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CONTENTS

TEXTS

Deux remaniements anonymes des <i>Collationes in decem preceptis</i> de saint Thomas d'Aquin	<i>Jean-Pierre Torrell</i>	1
Richard Fishacre's <i>Quaestio</i> on the Ascension of Christ: An Edition	<i>R. James Long</i>	30
Robert Fland's <i>Insolubilia</i> : An Edition, with Comments on the Dating of Fland's Works	<i>Paul Vincent Spade</i>	56
A New <i>Passio beati Edmundi regis [et] martyris</i>	<i>Judith Grant</i>	81
Graduation Speeches of Gentile da Foligno	<i>Carl C. Schlam</i>	96

ARTICLES

Chrestien and the Latin <i>comediae</i>	<i>Tony Hunt</i>	120
Russian Princes and Their Identities in the First Half of the Thirteenth Century	<i>Martin Dimnik</i>	157
Rome under Attack: An Estimation of King Aistulf's Motives for the Lombard Siege of 756	<i>Jan T. Hallenbeck</i>	190
William of Saint-Amour and the Apostolic Tradition	<i>James Doyne Dawson</i>	223
A Second New List of Beneventan Manuscripts (I)	<i>Virginia Brown</i>	239
The <i>Summa</i> of Master Serlo and Thirteenth-Century Penitential Literature	<i>Joseph Goering</i>	290
Ranulf de Glanville's Formative Years c. 1120-79: The Family Background and His Ascent to the Justiciarship	<i>J. S. Falls</i>	312
The Scriptorium of Bury St. Edmunds in the Third and Fourth Decades of the Twelfth Century: Books in Three Related Hands and Their Decoration	<i>Elizabeth Parker McLachlan</i>	328
Richard Fishacre's Use of Averroes with Respect to Motion and the Human Soul of Christ	<i>Walter H. Principe</i>	349

An Old French Source for the <i>Genesis</i> Section of <i>Cursor mundi</i>	<i>Sarah M. Horrall</i>	361
Pre-Carolingian Seigneurial Obligations in 'Lex Alamannorum' XXI-XXII, 1 and Their Relationship to the St. Gall Charters (754-770 A.D.)	<i>Theodore John Rivers</i>	374
Medieval Latin Poetic Anthologies (II)	<i>A. G. Rigg</i>	387
Marriage Theory and Practice in the Conciliar Legislation and Diocesan Statutes of Medieval England	<i>Michael M. Sheehan</i>	408

MEDIAEVALIA

The <i>Dream of the Rood</i> and Aldhelm on Sacred Prosopopoeia	<i>Bruce Karl Braswell</i>	461
The Text of Cicero's <i>Topica</i> in Codex Chartres 498	<i>Chauncey E. Finch</i>	468
<i>Legatus</i> and <i>nuntius</i> as Used to Denote Papal Envoys: 1245-1378	<i>Clifford Ian Kyer</i>	473
An Identification of John of Glastonbury and a New Dating of His Chronicle	<i>James P. Carley</i>	478
The French Prayer for the Sick in the Hospital of the Knights of Saint John of Jerusalem at Acre	<i>K. V. Sinclair</i>	484

DEUX REMANIEMENTS ANONYMES
DES *COLLATIONES IN DECEM PRECEPTIS*
DE SAINT THOMAS D'AQUIN

Jean-Pierre Torrell

LES diverses listes des œuvres de Thomas d'Aquin s'achèvent régulièrement par la mention d'un certain nombre d'ouvrages qui ne sont pas de sa main même, mais qui ont été recueillis par d'autres alors qu'il prêchait ou enseignait ('non ipse scripsit, sed alii recolegebant post eum predicantem vel legentem'). Cette distinction est déjà le fait des plus anciens catalogues manuscrits (dès la fin du XIII^e siècle) et elle a été reprise par Barthélemy de Capoue dans la liste qu'il a dressée pour le procès de canonisation à Naples, en 1319. Parmi ces *reportationes*, comme il est convenu de les appeler, il y a notamment des *Collationes*, autrement dit des sermons, sur le *Pater* et sur le *Credo*, dont Raynald de Piperno a été le reportateur, ainsi que des *Collationes de decem preceptis*, qui ont eu pour reportateur Pierre de Andria.¹

Non sans vraisemblance, Pierre Mandonnet proposa jadis de voir dans ces trois séries, *Pater*, *Credo* et Décalogue, l'objet d'une unique prédication de Carême, faite à Naples en 1273.² A l'appui de cette façon de voir il y a notamment l'incipit du *De decem preceptis* qui souligne la continuité entre ces trois pièces: 'Tria sunt homini necessaria ad salutem, uidelicet scientia credendorum, scientia desiderandorum et scientia operandorum. Primum docetur in symbolo de articulis fidei, secundum in oratione dominica, tertium in lege.'³ Ainsi que le

1 Nous résumons ici très brièvement la partie qui nous intéresse de l'état de la question tel qu'il a été dressé par H.-F. Dondaine, en tête de l'édition léonine des Opuscules: *Sancti Thomae de Aquino Opera omnia* 40 (Roma, 1969), pp. iii-x: 'Les Opuscules de saint Thomas'.

2 Pierre Mandonnet, 'Le Carême de saint Thomas d'Aquin à Naples (1273)', dans *Miscellanea storico-artistica* (Roma, 1924), pp. 195-212 (nos références renvoient au tiré-à-part dont la pagination est indépendante). Aujourd'hui encore, les historiens suivent cette position de Mandonnet; cf. J. A. Weisheipl, *Friar Thomas d'Aquino. His Life, Thought and Works* (New York, 1974), p. 319 et pp. 401-403 nn. 86-89.

3 Nous citons le texte établi pour l'édition critique, qui est maintenant quasi-définitif. Pour la commodité du lecteur, nous renverrons toutefois à l'édition manuelle actuellement la plus ac-

remarquait Mandonnet à partir de cette phrase, 'ces trois groupes de sermons forment donc un tout organique et ils devraient dans une édition rationnelle se faire suite....'⁴ C'est effectivement le parti qui a été retenu par l'édition dite 'léonine'; le volume 44, qui est en état de préparation avancée, contiendra, outre les *Sermones* (L.-J. Bataillon), les *Collationes* sur l'*Ave Maria* (J. Cos), sur le *Credo* et sur le *Pater* (B.-G. Guyot), ainsi que sur le *De decem preceptis* (J.-P. Torrell). Ayant à peu près achevé de débrouiller l'écheveau de la tradition manuscrite de ce dernier texte, nous communiquons ici quelques-uns des résultats de notre recherche.

Après quelques mots d'introduction qui présentent le cadre d'ensemble de cette recherche, cet article examine successivement deux problèmes différents. Dans la première partie, nous étudions un groupe de quatre manuscrits (désignés par leur incipit: *Naturale desiderium*), qui témoignent d'un important travail rédactionnel effectué par un auteur inconnu sur le texte de Thomas d'Aquin. La deuxième partie analyse un autre groupe qui compte lui aussi quatre manuscrits; étant donné ses caractéristiques, nous en parlons comme de la recension 'longue': son auteur anonyme ajoute, en effet, deux sermons de son cru au texte de Thomas d'Aquin. Notre étude nous permet d'affirmer la non-authenticité thomiste de ces deux sermons, dont nous éditons le texte en finale de cet article.

* * *

Le texte du *De decem preceptis* a été transmis, de façon plus ou moins fidèle ou intégrale, par quelque quatre-vingts manuscrits. Ce n'est pas ici le lieu de les énumérer ni de donner le détail de notre démarche, mais il faut au moins communiquer quelques indications destinées à faciliter l'intelligence des pages qui vont suivre. En effet, dès qu'elle apparaît au début du xiv^e siècle, la tradition manuscrite se présente comme passablement diversifiée, et il est possible de distinguer dès l'abord trois grandes familles qui regroupent environ les trois quarts des manuscrits.

La première de ces familles (= α) rassemble une quinzaine de membres, dont les représentants les plus autorisés sont d'une part: Lincoln (Neb.) Univ. (s.n., ici = Lc); d'autre part: Cambridge, Corpus Christi College 35 (= C¹) et München, Clm 26309 (= M⁶). Ces deux derniers, dépendants d'un modèle lacuneux, souffrent de nombreuses omissions que seul le premier, qui se rattache directement au prototype α , permet de corriger. Ce prototype n'est d'ailleurs pas lui-même sans défaut.

cessible: *Opuscula theologica* 2, éd. Marietti (Torino, 1954), pp. 245-71, nn. 1128-1332 (nous citerons simplement: Marietti et le numéro, ici: 1128). Le texte du *De decem preceptis* se trouve également dans les éditions courantes: Piana, t. 17, pp. 53-61; Parma, t. 16, pp. 97-114; Vivès, t. 27, pp. 144-70.

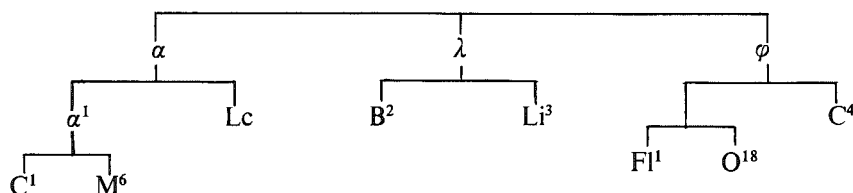
⁴ Mandonnet, *Le Carême*, p. 7.

La seconde famille ($= \varphi$) se distingue de la première par des divergences très accusées. Dans l'éventail des groupes qui se partagent la tradition, les deux familles se situent aux extrêmes opposés. La famille φ rassemble vingt témoins dont les meilleurs représentants sont les mss. de Sankt Florian XI-362 ($= \text{Fl}^1$) et Cambridge, Univ. Kk.1.9 (1943) ($= \text{C}^4$); quand le premier fait défaut, on peut y suppléer à l'aide du ms. Oxford, Bodleian, Laud. Misc. 189 ($= \text{O}^{18}$) qui en est très proche.

L'accord de ces deux premières familles constitue la base habituelle du texte dont nous préparons l'édition. Leur entente n'est pourtant pas toujours réalisée: à l'inverse des omissions α , le texte φ présente assez souvent des additions et des interventions rédactionnelles. A choisir, nous avons préféré le texte plus sobre du premier, les variantes du second trouvent alors leur place dans l'apparat critique. Cependant, le choix est parfois facilité par l'existence d'un arbitre.

En effet, la troisième famille ($= \lambda$), qui regroupe aussi vingt mss., a comme singularité d'offrir des leçons communes avec l'une et l'autre des deux premières familles. Au premier abord, on pourrait penser qu'il s'agit d'un texte contaminé qui emprunte, suivant le cas, à l'un ou à l'autre des deux premiers modèles. En fait, il n'en est rien; en plusieurs endroits, λ est seul à proposer un texte qui manque manifestement dans les deux autres (nous en donnerons quelques exemples plus loin). Cela oblige à conclure qu'il a eu accès à un modèle indépendant de celui des deux autres; il faut donc en tenir compte. Nous aurons à reparler de sa structure interne à propos du second problème dont nous allons nous occuper, puisque c'est à lui que se rattache la recension 'longue', mais nous pouvons déjà signaler que ses deux meilleurs représentants sont: Berlin (Est), Staatsbibl. Hamilton 630 ($= \text{B}^2$) et Lisboa, Nac. Illumin. 95 ($= \text{Li}^3$).

Outre ces trois grandes familles, on peut encore dénombrer trois autres groupes de moindre importance (quatre à six témoins), parmi lesquels il faut ranger les quatre représentants de *Naturale desiderium*, dont nous parlerons dans la première partie de cette note. Finalement, il faut mentionner une dizaine de témoins isolés que l'analyse ne permet de rattacher avec certitude à aucun des groupes existants. De qualité souvent médiocre, ils n'ont pas à nous retenir ici; nous en ferons donc abstraction dans la représentation graphique ci-dessous. De même, nous omettons pour l'instant les groupes mineurs, ne retenant que les trois grandes familles dans ce stemma sommaire:



Bien des compléments seront apportés ailleurs à ce stemma provisoire, mais il nous sera utile ici pour situer les deux questions précises que nous allons examiner maintenant. Deux groupes de manuscrits se distinguent, en effet, très nettement de l'ensemble des autres par de sensibles différences externes. Pour des raisons qui seront bientôt évidentes, nous parlerons du second comme de la version 'longue'; quant au premier, nous le désignerons par son incipit: *Naturale desiderium*.

I. — Le texte '*Naturale desiderium*'

Le premier groupe de mss. qu'il faut examiner rassemble les quatre témoins suivants:

- München, Clm 3754, ff. 116rb-137rb (= M¹);
- Roma, Casanatense 608 (C. IV. 34), ff. 35r-58v (= R⁷);
- Roma, Santa Sabina, Leonina 8, pp. 220-257 (= R¹);
- Siena, Com. G.IX.13, ff. 35ra-41va (= Si⁶).

Le texte transmis par ces quatre mss., intitulé *Liber mandatorum Dei* par trois d'entre eux,⁵ a un incipit tout à fait caractéristique: 'Si uis ad uitam ingredi serua mandata. Naturale desiderium inest cuilibet homini ad beatitudinem peruenire.' Deux témoins seulement (M¹ et R¹) transmettent le texte en son intégralité et leur explicite est identique: 'Secunda est conseruatiua uirtutis. eccli II fili concupiscis sapientiam serua iustitiam etc.' Le ms. R⁷ s'arrête un peu avant la fin du commentaire du huitième précepte, explicite: '... illud enim peccatum dicitur mortale quod...' (correspond au début du n° 1313 de l'édition manuelle Marietti, 1954). Le ms. Si⁶ témoigne également d'un texte tronqué qui s'arrête avant la fin du commentaire du quatrième commandement, explicite: 'et istos honoramus per subiectionem. rom. omnis anima potestatibus sublimioribus subdita sit' (milieu du n° 1254 de l'éd. Marietti).

Par son incipit différent, *Naturale desiderium*,⁶ ce groupe se distingue déjà de

⁵ A ce titre commun, M¹ ajoute la précision *per sanctum Thomam*; Si⁶ est plus explicite: *secundum eximium doctorem beatum Thomam de Aquino ordinis predicatorum*. Le titre de R⁷, difficile à lire car il est en partie effacé, est rédigé par deux mains différentes; à la lumière ultraviolette, il est possible de déchiffrer: *Incipit tractatus decalogi compilatus per fratrem Aldrebandinum de tuscanella*. Cette attribution à Aldobrandinus est toutefois tout à fait infondée; il faut donc rayer ce manuscrit de la liste des témoins de son *Expositio decalogi*, donnée par Th. Käppeli, *Scriptores Ordinis Praedicatorum Medii Aevi* 1 (Roma, 1970), p. 44, n° 136.

⁶ On ne peut ici prendre les premiers mots, *Si uis ad uitam...*, comme incipit, car cette citation de Mt 19:17 est un véritable lieu commun de la littérature de ce type. B.-G. Guyot nous a aimablement signalé qu'il n'existe pas moins de quelque soixante-dix commentaires du Décalogue qui commencent par ces mots; cf. M. W. Bloomfield - B.-G. Guyot - D. R. Howard - Th. Kabelao, *Incipits to Latin Works Dealing with Virtues and Vices in the Later Middle Ages (1100-1500)*, nn. 5560-5628, à paraître à Cambridge (Mass.). Le texte commun *Tria sunt homini* fait lui aussi appel à cette citation, mais en finale pour introduire son résumé récapitulateur (cf. Marietti 1332).

tous les autres témoins qui commencent régulièrement par: 'Tria sunt homini.' Mais il suffit d'une comparaison sommaire pour constater quelques autres grandes divergences. Comparativement au texte commun, *Naturale desiderium* se signale d'abord par ses omissions. Certaines sont considérables, puisque ce sont des collations entières qui ont été laissées de côté: ainsi les collations V (nn. 1160-1165 inclus), IX et X (nn. 1183-1192 inclus);⁷ d'autres sont moins importantes mais, même si le texte conserve ses articulations essentielles, il lui arrive d'être abrégé de moitié ou d'un tiers.

Outre ses omissions, *Naturale desiderium* attire l'attention par un accident inverse: ses additions; ces dernières étant aussi massives que les premières. On ne compte pas moins de neuf textes manifestement apocryphes, insérés aux endroits suivants:

1. Entre les nn. 1197 et 1198, ajout de 700 mots; incipit: 'Non habebis deos alienos. Hic prohibetur ydolatria. Est autem ydolatria cultus Deo debitus creature exhibitus...'; explicit: '... quia mendacissimus est. Io. mendax est pater eius.' A l'exception de quelques grands passages omis, ce texte est emprunté presque mot pour mot à Guillaume Peyraut, *Summa virtutum ac vitiorum, Tract. De fide*, cap. 7: *De errore idolatriae* 1 (Venise, 1584), ff. 41 ss.

2. Entre les nn. 1199 et 1200, ajout de 205 mots; incipit: 'quasi dicat sic. leuiticus anima que declinauerit ad magos et maleficos et diuinos et arriolos...'; explicit: 'ut palam fiat utrum diligatis eum an non.' Il s'agit de recommandations contre les pratiques superstitieuses et la divination; cf. Gratien, *Décret*, C.26 q.7 c.16 (Friedberg, 1.1045, qui renvoie à Martin de Braga, *In libro capitulorum...*, cc. 71, 73, 75: PL 130.586-87).

3. Entre les nn. 1286 et 1287, ajout de 220 mots; incipit: 'Quod autem fornicatio est peccatum potest ostendi ex tribus scilicet ex parte prolis ex parte finis et ex parte legis'; explicit: 'Tertio ex parte legis que hoc prohibet. Deut. XXI. non erit meretrix de filiabus Israel etc.' Origine non identifiée, malgré des recherches faites dans Guillaume Peyraut, Martin de Braga, Thomas d'Aquin, Pierre Lombard.

4. Entre les nn. 1295 et 1296, ajout de 295 mots; incipit: 'Si uis latius procedere nota quod peccatum mercatorum procedit ex tribus...'; explicit: 'in delectatione ioculatorum et huiusmodi que omnia sunt reprehensibilia.' Origine non identifiée; le texte parle des péchés des marchands, des changeurs, des usuriers, des juges, des femmes et des soldats: brève énumération pour chaque catégorie.

⁷ Nous ne parlerons pas d'omissions à propos de deux collations supplémentaires de la version 'longue' éditées ci-après, mais il faut signaler que *Naturale desiderium* les ignore. Il n'y a d'ailleurs aucun point de contact spécifique entre ce texte et la version longue.

5. A la fin du n. 1299, ajoute de 1440 mots; incipit: 'Non furtum facies quia usurarius latro est etc. et omni latrone deterior...'; explicit: 'Item adeptio premii scilicet beatitudinis eterne etc.' Emprunté à Guillaume Peyraut, *Summa virtutum ac vitiorum, Tract. De avaritia*, IIa Pars: *De speciebus avaritiae* 2 (Venise, 1584), ff. 55 ss. Il y a ici tout un travail de recomposition qui a été fait; l'emprunteur a abrégé le texte de Guillaume, mais ne le cite pas de manière continue: il a parfois interverti l'ordre des arguments; parfois il l'a légèrement réécrit, mais le texte original est nettement reconnaissable.

6. A la suite du texte précédent, ajout de 270 mots; incipit: 'Et quia de restitutione aliquid tactum est...'; explicit: 'In omnibus autem hiis si principalis restituit alii non tenentur.' Emprunt littéral pour sa plus grande part à Thomas d'Aquin, *Summa theol.* 2-2, 62, 7 Resp., précédé et suivi de quelques lignes personnelles (?).

7. A la suite du texte précédent, ajout de 620 mots; incipit: 'Et quia de male ablatis siue acquisitum dictum est...'; explicit: 'Nota quod omnes predicti possunt facere elemosinam in casu necessitatis etiam sine assensu maiorum.' Agrémenté de quelques formules rédactionnelles et avec quelques omissions, ce texte est emprunté à Thomas d'Aquin, 4 *Sent.* 15, q. 2, art. 4, sol. 2 et ad 1; sol. 3, ad 1 et 2; art. 5, sol. 1, 2, 3, 4.

8. Entre les nn. 1322 et 1323, ajout de 120 mots; incipit: 'Item nota quod diuitie multa mala faciunt nam intellectum obnubilant sicut puluis oculum corporalem'; explicit: 'quia ut dicit b(ernardus?) paupertas est bonum odibile remotio (!) possessio sine calumpnia mater sanitatis felicitas sine cura.' Origine non identifiée.

9. Après le n. 1331 et à la place du n. 1332 omis, ajout de 415 mots; incipit: 'Et nota quod concupiscentia radicaliter est principium omnium malorum...'; explicit: 'Secunda est conseruatiua uirtutis. eccli II. fili concupiscis sapientiam serua iustitiam etc.' Origine non identifiée.

Ces neuf additions totalisent environ 4285 mots, c'est-à-dire exactement le tiers du texte commun du *De decem preceptis* (environ 12850 mots). Si l'on songe que les omissions représentent au moins 1500 mots, on aura une idée approchée de l'ampleur du bouleversement subi par le texte commun. Apparemment leur auteur s'est senti assez libre à l'égard du texte transmis sous le nom de Thomas d'Aquin, pour le remodeler à sa guise et peut-être le proposer comme sien. Rien n'est assez déterminant dans son travail pour nous orienter de façon précise vers son identité; cependant l'origine italienne des quatre manuscrits invite à penser à un auteur de même nationalité, et, si l'on se fie à la qualité du texte transmis, son travail pourrait se situer à une époque assez ancienne.

Il faut en effet faire une distinction entre la *collection*, prise comme un tout dont nous venons de voir les singularités, et le *texte* de saint Thomas qu'elle at-

teste malgré tout. Les manipulations massives du rédacteur ne constituent certes pas un préjugé favorable pour la qualité du texte transmis par ces quatre manuscrits, mais elles ne suffisent pas à témoigner par elles-mêmes d'un texte différent de celui de *Tria sunt homini*. Pour vérifier ce qu'il en est, le texte de *Naturale desiderium* a donc été soumis par nous au même traitement que l'ensemble de la tradition manuscrite, selon les méthodes habituellement employées par la Commission léonine pour l'édition des *Opuscula*.⁸

La première étape consiste à collationner mot à mot les témoins concernés sur trois portions du texte, situées au début, au milieu et à la fin (ceci afin de s'assurer de la constance des accidents relevés). Ces trois 'sondages', qui examinent un total de 3530 mots, prennent en considération un texte supérieur au quart du texte total du *De decem preceptis* transmis par les éditions imprimées; ils permettent donc une comparaison minutieuse. Pour *Naturale desiderium*, l'état lacuneux de deux de nos témoins n'a pas permis de mener cette opération dans son intégralité, mais elle a pourtant été effectuée avec les quatre témoins sur le texte du premier sondage (1330 mots), avec les trois encore présents sur le deuxième sondage (1320 mots, Si⁶ fait ici défaut), ainsi qu'avec les deux seuls complets (R¹ et M¹), sur les accidents caractéristiques du troisième sondage (880 mots). Les divers examens auxquels nous avons procédé ne laissent place à aucun doute: gravement altéré par endroits, mutilé même ou interpolé à d'autres, le texte de *Tria sunt homini* reste cependant le texte de base de *Naturale desiderium*, et il est aisément reconnaissable.

Avant d'énumérer le détail des différents tests mis en œuvre, il sera utile de donner quelques exemples du style des interventions du rédacteur de *Naturale desiderium*, car cela conditionnait pour une large part notre méthode d'approche. Voici pour commencer l'incipit des deux collections:

Tria sunt homini

Naturale desiderium

Tria sunt homini necessaria

Si uis ad uitam ingredi serua mandata.
Naturale desiderium inest cuilibet homini
ad beatitudinem peruenire. Est enim bea-
tudo summum bonum quod omnes op-
tant ut dicit Sapiens in Ethic. Sed est
notandum quod tria sunt homini necessaria

8 Nous aurons à faire plusieurs fois allusion à cette méthode en précisant successivement l'un ou l'autre détail; pour une vue d'ensemble des méthodes de la Commission léonine, on peut voir par ex.: P.-M. De Contenson, 'Principles, Methods and Problems of the Critical Edition of the Works of Saint Thomas as Presented in the Leonine Edition', *Tijdschrift voor Filosofie* 36 (1974) 342-64; en ce qui concerne spécialement l'édition des *Opuscula*, nous renverrons à H.-F. Dondaine, 'Introduction' au *Contra errores graecorum: Sancti Thomae de Aquino Opera omnia* 40 (Roma, 1969), pp. A 26 - A 31.

ad salutem
 uidelicet scientia credendorum scientia
 desiderandorum et scientia operandorum.
 Primum docetur in symbolo de articulis
 fidei,
 secundum in oratione dominica,
 tertium in lege.
 Sed considerandum quod quadruplex lex
 inuenitur. Et prima dicitur lex nature, et
 hec nichil aliud est quam lumen intellectus
 insitus nobis a Deo per quod cognoscimus
 quid agendum et quid uitandum; hoc
 lumen siue hanc legem dedit Deus homini
 in creatione. Sed multi sunt qui credunt
 excusari per ignorantiam si hanc legem
 non seruant... .

ad hoc ut istud desiderium assequatur;
 debet enim scire credenda

de quibus docetur in symbolo, debet scire
 speranda siue desideranda, de quibus
 docetur in oratione dominica, et debet scire
 operandi de quibus docetur in lege.

Sed considerandum est quod quadruplex
 lex inuenitur. Prima est nature et hec nichil
 aliud est quam lumen intellectus insitus
 nobis a Deo per quod cognoscimus quid
 agendum et quid uitandum; et hanc legem
 dedit Deus homini in creatione. Sed sunt
 multi qui credunt excusari per ignorantiam
 si hanc legem non seruent... .

Ce tableau donne donc un premier échantillon de la manière du rédacteur de *Naturale desiderium*; il suffirait presque à caractériser son originalité et ses limites. Son début a vraiment grande allure, mais très rapidement il se rattache adroitement au texte de *Tria sunt homini* et il continue par une copie fidèle de ce dernier. On peut noter de menues différences sur lesquelles il faudra revenir, mais il faut encore donner quelques autres exemples des différences entre les deux textes.

Tria sunt homini

1. Nullus enim ignorat quod
 id quod non uult sibi fieri
 ipse non debeat alteri facere

et cetera talia.

2. Sed licet Deus in creatione dederit
 homini hanc legem nature,
 diabolus tamen
 superseminauit in homine aliam
 legem scilicet concupiscentie
 Quousque enim in primo homine
 anima fuit subdita Deo
 seruando diuina precepta, et caro

Naturale desiderium

Nullus enim ignorat quod

ipse non debet alicui facere
 quod non uult sibi fieri,
 Matth.: Quicumque uultis ut
 faciant uobis homines etc.

Sed

diabolus super hanc legem nature
 superseminauit
 legem concupiscentie.
 Nam quousque
 anima hominis subdita fuit Deo
 seruando eius precepta, caro

fuit subdita in omnibus anime uel rationi; sed postquam diabolus per suggestionem traxit hominem ab observantia mandatorum diuinorum, ipsa etiam caro fuit inobediens rationi.

3. Sed quia modus ille est insufficiens, et lex que data erat per Moysen hoc modo, scilicet per timorem, retrahebat a malis, insufficiens fuit; licet enim coercuerit manum non tamen coercerat animum.

fuit subdita in omnibus anime uel rationi; sed postquam homo per suggestionem diaboli mandata Dei contempsit, statim ipsa caro inobediens fuit rationi. Sed quia iste modus est insufficiens, ideo lex illa

perfecta non erat; licet enim coercuerit manum non tamen coercerat animum.

On le voit par ces exemples, l'essentiel de l'intervention rédactionnelle consiste à abrégé le texte de *Tria sunt homini*. A l'exception des grandes additions déjà signalées, nous n'avons relevé que fort peu d'autres ajouts et de peu d'importance. Par contre, on peut compter dans les deux premières collations une vingtaine d'interventions du type de celles relevées dans notre second tableau. Elles sont plus radicales dans le raccourcissement pour les collations III et IV, mais elles s'atténuent par la suite et disparaissent quasi complètement dans le commentaire du cinquième commandement (*Non occides*, collations XXI, XXII, XXIII), pour reprendre plus fréquentes vers la fin du texte.

Ces particularités ont un peu compliqué la recherche en vue de déterminer la famille éventuelle de *Naturale desiderium*. Etant donné que le rédacteur réécrit par endroits le texte de *Tria sunt homini*, le relevé des différences des deux textes en termes de comptabilisation statistique de variantes singulières ne peut avoir de portée absolue. Nous l'avons cependant tenté pour le deuxième sondage (commentaire du cinquième commandement), où *Naturale desiderium* est très proche de *Tria sunt homini*. Le test des variantes à témoins multiples,⁹ répété à propos des trois grandes familles, a permis trois éliminations successives: *Naturale desiderium* n'appartient à aucune de ces trois familles, dont il ne partage significativement aucune des variantes caractéristiques.

Pour vérifier ce premier résultat, nous avons procédé à des examens complémentaires, notamment par la mise en tableaux sur trois colonnes du texte α , du texte *Naturale desiderium* et du texte φ . Loin d'être concluante, cette nouvelle approche laissait apparaître une oscillation de notre texte: tantôt proche d' α , tantôt de φ . Il fallait donc une interrogation plus précise et plus continue. Il était aisé

9 Le test des variantes à témoins multiples sert à déterminer en première approximation le grand groupe auquel se rattache éventuellement un témoin; cf. à ce sujet Dondaine, *ibid.*, pp. A 28 - A 29.

d'y procéder à partir du texte déjà établi en vue de l'édition critique. On se rappelle qu'il prend pour base le texte α (cf. ci-dessus p. 3); or il est facile de percevoir les différences entre ce texte et celui de *Naturale desiderium* dans les tableaux ci-dessus. Outre les quelque vingt passages rédactionnels dont nous avons parlé, *Naturale desiderium* compte encore dans le seul texte du premier sondage 44 variantes importantes par lesquelles il s'écarte du texte α . Nous avons ensuite comparé ces variantes à celles du texte φ , qui se trouvent dans notre apparat critique; là encore, il faut se rendre à l'évidence: si *Naturale desiderium* rejoint φ à trois reprises et certains témoins λ à trois reprises également, c'est sur des points mineurs, mais sans partager leurs grands accidents. La conclusion s'impose: *Naturale desiderium* témoigne d'une tradition indépendante de celle des trois grandes familles.

Cependant les quelques points de contact relevés entre *Naturale desiderium* d'une part et $\lambda\varphi$ d'autre part, nous invitaient à pousser la recherche de ce côté-là. En certains cas, par suite d'une omission α , nous avons dû suppléer le texte grâce au témoignage conjoint de φ et de λ , mais ce dernier n'étant pas toujours recommandable, la présence d'un nouveau témoin de la leçon retenue pouvait se révéler précieuse. Or nous avons pu relever sept passages assez étendus et significatifs, dans lesquels *Naturale desiderium* vient appuyer la leçon $\lambda\varphi$, omise par α . En quatre cas, il s'agit soit exactement du même texte, soit d'un texte légèrement différent comme celui-ci:

Et aliquando talia¹ faciunt per modum furti, aliquando per uiolentiam, Ysa.: 'Principes tui infideles² socii furum³'.

Naturale desiderium: 1: ista; 2: om.; 3: etc. add.

Dans trois autres cas, *Naturale desiderium* présente un texte sensiblement abrégé, mais témoigne cependant qu'il connaît la leçon attestée par $\lambda\varphi$, et omise par α ; ainsi du texte ci-dessous qui permet de visualiser ressemblances et différences:

Tria sunt homini ($\lambda\varphi$)

Naturale desiderium

Luc. XI: 'Si oculus tuus', id est intentio, 'nequam fuerit, totum corpus tuum', id est congeries bonorum operum, tenebrosum erit, *quia ut dictum est bona mala intentione facta in mala conuertuntur.*

iuxta illud: 'Si oculus tuus', id est intentio tua, 'fuerit simplex', etc.

La première partie du texte de la colonne de gauche, attestée par $\lambda\varphi$, est ici encore omise par α ; les mots en italique sont transmis uniquement par λ ; s'agit-il d'une addition qui lui est propre ou bien d'un texte omis par φ ? Ce n'est pas le lieu d'en décider et *Naturale desiderium* ne nous y aide pas, mais il témoigne du moins qu'il a retenu le sens général du passage. Il en va de même pour le texte suivant:

Sed semper nititur (diabolus) ad aliud (peccatum) ducere, et quia 'qui facit peccatum seruius est peccati', ideo non de facili quis egreditur de peccato.

Omis par α , attesté par $\lambda\varphi$, ce texte est ainsi résumé par *Naturale desiderium*:

Iam (uel nam) unum peccatum trahit ad aliud (uel alium).

Ces différents exemples apportent donc la preuve que *Naturale desiderium* relève d'une autre tradition que la famille α et qu'il appuie souvent les leçons $\lambda\varphi$ contre α . Sans partager les particularités de φ , il se montre tout de même plus proche de ce dernier que de λ . Un dernier exemple nous permet de concrétiser cette assertion d'une manière très claire. Quelques lignes avant la fin de la dernière collation, saint Thomas recommande le travail comme remède à la luxure. A l'appui de cette thèse, α cite Ovide ('Poeta: Otia si tollas periere libidinis artus'); au contraire, *Naturale desiderium* et φ citent saint Jérôme: 'Semper aliquid boni facito'. Quant à λ , en compagnie de certains témoins α , il cite à la suite les deux autorités, laissant soupçonner un texte contaminé. Cet ultime détail a son importance, car il est un nouvel indice de ce que la collation continue du texte a permis de vérifier: pour les passages où le rédacteur n'est pas trop intervenu, le texte de *Naturale desiderium* est assez correct. On ne peut faire fond sur lui en raison de toutes les manipulations qu'il a subies, mais il n'empêche que le rédacteur avait à sa disposition une bonne copie de *Tria sunt homini*.

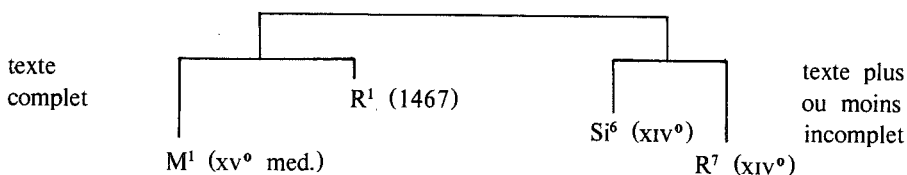
Pour achever de déterminer la place de notre groupe dans le stemma d'ensemble, il nous reste à mentionner le résultat d'une autre analyse. Soumis au test des variantes à témoins rares,¹⁰ le texte de *Naturale desiderium* a révélé une certaine affinité avec deux autres témoins. L'un d'eux, Valencia, Univ. 773 (2300) (= Va¹), témoin tardif (xv^e s.) et inconstant (appartient à la famille φ au premier sondage, mais lui échappe au second — où justement il apparaît voisin de *Naturale desiderium* — pour lui revenir très nettement au troisième), ne permet de tirer aucune conclusion certaine de ce voisinage, sinon une confirmation de l'instabilité de ce témoin. Le second, Siena, Com. G.VII.20 (= Si²), quoique plus ancien (xiv^e s. post medium), est lui aussi un témoin de seconde qualité, mais avec lui nous atteignons aussi Bordeaux, Mun. 131 (= Bd), témoin ancien (xiv^e s.) d'une collection complète d'opuscules de Thomas d'Aquin. Les liens sont assez lâches avec *Naturale desiderium* (20 points de contact avec Si², 7 avec Bd, sur 1330 mots), et on ne saurait les presser, mais on peut du moins relever ce voisinage.

Si nous examinons maintenant les quatre témoins de *Naturale desiderium* du point de vue de leurs rapports mutuels à l'intérieur du groupe, nous constatons

10 A la différence du test décrit à la note précédente, le test des variantes à témoins rares permet de déceler les groupes plus restreints à l'intérieur d'une unité plus vaste (cf. Dondaine, *ibid.*).

d'abord qu'ils ne sont pas à égalité pour la qualité du texte transmis. Si l'on cherche à serrer de près la fidélité de leur appartenance au groupe en les soumettant au test des variantes individuelles, c'est R¹ qui vient en tête avec une seule variante individuelle sur 56 cas relevés.¹¹ Ce beau résultat n'a toutefois été obtenu que par une toilette soigneuse du texte qui a éliminé diverses fautes du copiste. Ces corrections ne sont pas toujours aisément décelables, mais cela n'a que peu d'importance pour nous: en toute hypothèse, R¹ témoigne d'un excellent modèle, qui est probablement l'ancêtre direct du groupe. En second lieu, il faut placer M¹ (12 variantes individuelles, dont 6 erreurs manifestes, plus un cas où, seul contre les trois autres, il donne la bonne leçon). Puis vient Si⁶ (16 variantes individuelles, dont 7 fautes caractérisées), et enfin R⁷ (32 variantes individuelles, dont 10 erreurs).¹²

Ces constatations sont d'autant plus surprenantes que ce sont les mss. les plus anciens qui se révèlent les plus fautifs (R⁷ et Si⁶ sont du xiv^e s.), alors que les deux plus récents attestent un texte plus fidèle. Cela confirme ce que laissent soupçonner les corrections de R¹, à savoir que les deux derniers mentionnés ont eu à leur disposition un modèle différent, meilleur que celui des deux autres. Ce premier résultat est à compléter par celui d'une autre analyse qui a permis de vérifier que nos quatre mss. se divisent deux à deux en huit cas différents (sur les 56 cas relevés). En sorte que nous pouvons selon toute vraisemblance schématiser leurs rapports dans ce graphique:



11 Comme leur nom l'indique, les variantes individuelles sont celles d'un manuscrit déterminé: lapsus, omissions, accidents divers (inversions par exemple, ou particularités orthographiques); elles témoignent soit du soin soit de la négligence apportée par le copiste à la reproduction de son modèle. — Prévenons ici une confusion possible, car le lecteur attentif risque d'être surpris par le fait que les cinquante-six cas relevés représentent un total inférieur à celui des variantes individuelles. En fait, il faut remarquer que ces variantes ne s'additionnent pas purement et simplement; il arrive en effet que deux ou plusieurs témoins divergent simultanément; le nombre de leurs variantes propres augmente alors en conséquence, mais non celui des cas examinés (la même remarque s'applique plus loin pp. 14 et 15).

12 Nous sommes autorisé à parler d'erreur quand l'accident relevé a une signification pour l'intelligence du texte (l'omission d'un mot nécessaire au sens, par ex.); une simple inversion ou une particularité orthographique n'a pas la même portée.

Si nous voulions éditer ce texte, il faudrait évidemment prendre R¹ comme texte de base, quitte à vérifier à l'aide des trois autres, les quelques incorrections qu'a laissé subsister le reviseur. Etant donné leur date plus ancienne, les variantes significatives de R⁷ et Si⁶ pourraient trouver place dans l'apparat. Mais le travail d'édition d'un texte comme celui-ci serait, à notre sens, bien inutile. Si nous avons dû nous y intéresser d'aussi près, c'était afin de clarifier sa position parmi les témoins des *Collationes in decem preceptis* de Thomas d'Aquin. Mais l'étude du texte lui-même ne présente d'autre intérêt que de montrer un exemple supplémentaire d'un phénomène bien connu par ailleurs: la manière dont travaillaient nombre d'auteurs pour qui la propriété littéraire n'avait pas les mêmes exigences que pour nous.¹³

II. — *La recension 'longue'*

Le nouveau groupe dont nous avons à nous occuper comprend lui aussi quatre manuscrits:

- Grenoble, Mun. 560 (293), ff. 1ra-36rb, xv^e s. (= Gr¹);
- Reims, Mun. 475, ff. 200rb-221rb, xv^e s. (= Re¹);
- Sevilla, Cap. 83-2-15, ff. 85ra-116ra, xv^e s. (= Sv¹);
- Troyes, Mun. 1256, ff. 152ra-175va, xv^e s. (= Tr¹).

Préalablement à toute autre considération, ce groupe s'impose à l'attention par son titre¹⁴ et par une importante singularité: il est seul à transmettre le texte de deux collations, qu'on ne trouve ni dans les autres manuscrits ni dans les éditions imprimées; d'où son nom de recension 'longue' (que lui méritent aussi un nombre considérable d'additions).

¹³ Puisque il est question de propriété littéraire, précisons que nous avons nous-même bénéficié d'un travail déjà effectué jadis par J.-A. Destrez. La Commission léonine possède dans ses archives des papiers inédits, éléments d'un travail sur les *Opuscula* que Destrez avait en cours au moment de sa mort. Il avait ainsi retranscrit intégralement le texte de M¹ et collationné R⁷ (les deux autres lui sont apparemment inconnus), mis en colonnes environ les deux tiers du texte de *Naturale desiderium* et de *Tria sunt homini*, ce qui lui avait permis de repérer exactement additions et omissions; il avait également identifié en première approximation certaines des additions. Ces études préalables, parfaitement utilisables, ont grandement facilité notre propre travail, et nous tenons à marquer notre dette.

¹⁴ Son titre: *Reportationes predicationum fratris Thome de Aquino de decem preceptis decalogi factorum ab eo Neapoli in quadam quadragesima scolariibus*; ce texte de Re¹ est partagé avec de légères variantes par les trois autres membres du groupe. Il faut noter que dans la nomenclature variée des titres donnés par les autres témoins, ceux-ci sont seuls à parler de *reportationes* (*traditio* Tr¹), seuls également à mentionner *Naples* comme lieu, et le *Carême* comme temps de cette prédication. Etant donné ce que nous dirons par la suite concernant les singularités de cette recension longue, cette circonstance relativise quelque peu les conclusions de Mandonnet sur la place du *De decem preceptis* dans ce Carême de 1273 (cf. ci-dessus p. 1). Nous nous réservons toutefois de traiter ailleurs cette question.

Le premier de ces deux textes se trouve en finale des développements des autres témoins sur l'amour du prochain (entre les nn. 1192 et 1193 de l'éd. Marietti); il compte environ 1025 mots. Le second est placé à la fin des considérations sur le respect dû aux parents (entre les nn. 1257 et 1258 de l'éd. Marietti); sensiblement plus long que le précédent, ce texte comprend environ 1500 mots. Puisque nous éditons ces textes ci-dessous, nous nous dispenserons de donner ici leurs incipit et leurs explicit.

La première question que posent ces deux textes est évidemment celle de leur attribution à Thomas d'Aquin. Sur la foi d'une documentation restreinte et d'un examen rapide, J.-A. Destrez avait cru pouvoir conclure jadis que 'jusqu'à plus ample informé ... rien ne s'oppos(ait) à l'authenticité de ces deux collations'.¹⁵ Eu égard à sa base documentaire, son argumentation n'était pas dénuée de perspicacité. Il n'y aurait toutefois pas grand intérêt à reprendre ses observations dans leur détail. Il sera plus probant d'aborder la question en la situant dans l'ensemble de la tradition manuscrite; c'est la seule voie qui permet d'y répondre avec quelque chance de succès, et elle nous oriente dans une autre direction.

A l'analyse, le groupe des quatre mss. de la recension longue apparaît nettement située dans la famille intermédiaire λ . Cette famille se compose d'un noyau de 17 témoins¹⁶ qui partagent *ensemble* (17/17) un total de 23 variantes communes sur 54 cas relevés dans le premier sondage. Parmi elles, on peut relever 9 variantes pures (ce chiffre s'élève à 14 si on élimine les rencontres de hasard; nous parlons de hasard, car les témoins rencontrés ne sont jamais les mêmes). Ces chiffres sont un peu moins élevés par la suite, mais la famille reste constante d'un bout à l'autre du texte et il est possible d'y repérer divers sous-groupes:

— le premier rassemble 11 témoins: au premier sondage, ils sont présents de 44 à 52 fois (selon les témoins) sur les 54 cas relevés; au troisième sondage de 29 à 40 fois sur 44 cas;

— le second sous-groupe est représenté par le couple B² Li³, dont nous avons déjà parlé comme fournissant le meilleur texte de la tradition λ ; ils sont présents respectivement 40 et 43/54 fois au premier sondage, 32 et 35/44 fois au troisième sondage;

— le troisième sous-groupe enfin est celui des quatre témoins de la recension longue, dont voici en détail les taux de fréquence d'appartenance à la famille:

15 J.-A. Destrez, *Bulletin Thomiste* 1 (1924-26), n° 617, pp. [64]-[69], compte rendu de Mandonnet, *Le Carême*; pour la citation, cf. p. [68].

16 Nous avons parlé ci-dessus de vingt témoins pour la famille λ (cf. p. 3); nous en éliminons trois ici pour les raisons suivantes: l'un d'eux, Basel, Univ. A VI 3, ne possède que quelques fragments du texte; les deux autres ont un texte largement tronqué au début et la mention de leurs particularités compliquerait la tâche du lecteur sans apporter ici aucune lumière supplémentaire; nous en parlons à la note suivante.

Premier sondage :

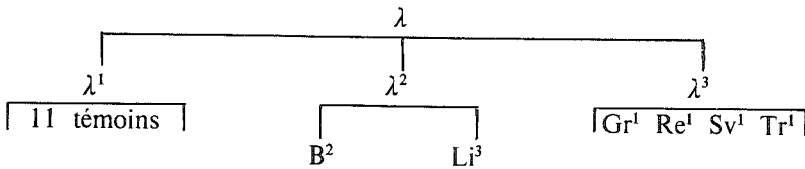
Re ¹	36/54
Sv ¹	35/54
Tr ¹	34/54
Gr ¹	33/54

Troisième sondage :

Sv ¹	28/44
Re ¹	27/44
Gr ¹	26/44
Tr ¹	21/44

Ainsi qu'on peut le remarquer, dans ce dernier sous-groupe les chiffres sont un peu moins élevés que pour les deux autres, mais il faut noter que le taux des variantes communes partagées reste satisfaisant (2/3), et le chiffre des variantes pures (plus décisives) reste inchangé.

Ce sont les ressemblances entre ces trois sous-groupes qui nous autorisent à la rassembler dans une même famille. Mais leurs dissemblances nous contraignent à ne pas concevoir leur unité de manière trop rigide et à la comprendre comme se réalisant sur une ligne de descendance parallèle. C'est ce que tente d'expliquer le graphique ci-dessous: l'origine, commune mais lointaine, λ , explique les ressemblances; les relais λ^1 λ^2 λ^3 expliquent au contraire les divergences et doivent être considérés comme les responsables des particularités de chaque sous-groupe.



Nous n'avons pas à parler plus longuement ici de λ^1 ni de λ^2 , mais il importe de dire pourquoi nous avons situé ainsi λ^3 . En donnant à son propos les raisons de notre jugement, nous donnerons analogiquement les motifs de la situation des deux autres, puisqu'ils ont été examinés selon la même méthode.

Le sous-groupe λ^3 a été lui aussi préalablement collationné et comparé à l'ensemble de la tradition manuscrite sur le texte des trois sondages dont nous avons déjà parlé. Un quatrième sondage a également été effectué sur une portion du texte transmis par ces seuls quatre témoins, en vue de mieux préciser leurs rapports mutuels.

Le comportement du sous-groupe dans les différents tests permet de dégager sa physionomie dont les traits sont fortement accentués. Au premier sondage, on relève déjà 51 variantes communes à trois sur quatre (respectivement: Re¹ et Sv¹, 51/51; Gr¹, 48/51; Tr¹, 42/51). Même si l'on tient compte des rencontres de hasard, qui diminuent la statistique, ces témoins possèdent encore à quatre sur quatre 33 variantes qui leur sont absolument propres (variantes pures). Outre le

lot habituel d'inversions, de légères modifications de vocabulaire ou d'accidents divers sans intérêt spécial, ces variantes se signalent à l'attention par un nombre élevé d'additions: 29 au total, ce qui représente 181 mots ajoutés aux 1330 mots du texte transmis par l'ensemble de la tradition.

Le deuxième sondage permet des constatations voisines: trois sur quatre des membres du sous-groupe partagent 37 variantes communes (Gr¹ Re¹ Sv¹); Tr¹ les rejoint 31/37 fois seulement. Les quatre membres se rejoignent encore sur 19 variantes pures, mais la proportion d'additions est moindre que précédemment (8 additions totalisant 34 mots).¹⁷

Le troisième sondage confirme les données des deux premiers. Trois des témoins sont plus étroitement liés entre eux: Re¹ et Sv¹ sont ensemble 36/36 fois; Gr¹ les rejoint 35/36 fois; quant à Tr¹ qui conserve régulièrement une certaine distance à leur égard, il n'est présent que 28/36 fois. Cependant les quatre membres du groupe partagent encore 21 variantes pures, et le nombre des additions est de nouveau élevé: 18 additions qui représentent 104 mots ajoutés aux 880 mots du texte commun.

Ces données statistiques confirment donc pleinement la singularité de ce groupe qui attirait déjà l'attention par les deux collations qu'il est seul à transmettre. Elles nous renseignent également sur la structure interne du groupe. Mais avant d'examiner plus à fond cette question qui nous préparera directement à l'édition de ces deux collations, il convient de tirer une première conclusion à partir des additions dont nous venons de parler: leur nombre même est déjà de nature à permettre une appréciation plus éclairée de l'authenticité de ces deux sermons supplémentaires. En effet, dans le premier sondage, la proportion des mots ajoutés est supérieure au septième du texte examiné; atténuée dans le deuxième sondage, elle redevient très forte dans le troisième pour dépasser le huitième du texte commun. Ce chiffre est anormalement élevé et ne plaide guère de soi en faveur du caractère gèneine du texte transmis par le groupe.

Mais c'est surtout la situation du groupe dans le stemma, qui empêche de considérer comme fondée l'attribution à saint Thomas. Pour défendre avec quelque vraisemblance cette attribution, il faudrait que le modèle de nos quatre témoins se situe dans notre graphique général au niveau des trois grands chefs de file, α λ φ (ou des indépendants), qui rejoignent directement l'archétype commun. Or, nous l'avons vu, ce n'est pas le cas: les ressemblances et les dissemblances de λ^3 par

17 Un fait nouveau est cependant à signaler: outre quelques rencontres de hasard, deux autres témoins rejoignent ici sporadiquement notre sous-groupe; il s'agit de Praha, Univ. Osek 8 et de Warszawa, Nar. 3011, présents respectivement 8 et 7/37 fois. Habituellement liés entre eux mais instables, ces deux témoins, absents au premier sondage, ne réapparaissent en compagnie de la recension longue qu'une seule fois au troisième sondage, et ils ne transmettent pas non plus les deux collations supplémentaires; il n'y a donc pas lieu d'en tenir compte ici.

rapport à λ^1 et λ^2 obligent à le placer à cet endroit précis. Si l'on imaginait (sans preuves) que le modèle λ connaissait les deux collations supplémentaires et que seul λ^3 les aurait transmises fidèlement, il resterait à expliquer pourquoi λ^1 et λ^2 auraient simultanément fait la même omission. Une origine intermédiaire commune (ici encore postulée sans fondement) pourrait à la rigueur rendre compte de cet accident chez λ^1 et λ^2 , mais il resterait à s'interroger sur la raison de cette omission par α , φ et les indépendants. La chose se complique encore si l'on se rappelle que ce ne sont pas seulement les deux collations supplémentaires qui sont en jeu, mais également les 55 passages dans lesquels λ^3 possède en propre 319 mots qui ne sont pas dans le texte commun.¹⁸ Si l'on admettait par hypothèse que c'est là le texte primitif, on ne pourrait absolument pas rendre compte du fait que tant de témoins, si différents par ailleurs, se soient accordés sur ce point si exactement que ce texte primitif n'aurait laissé chez eux d'autres traces que ces creux. Il faut se rendre à l'évidence: loin d'être des omissions de l'ensemble de la tradition, ces passages sont bel et bien des additions, et leur auteur n'est pas Thomas d'Aquin, mais le rédacteur de λ^3 , le même personnage qui, selon toute vraisemblance, a rédigé les deux collations supplémentaires.¹⁹

A défaut de son identité, la personnalité de cet auteur nous apparaîtra mieux si nous examinons maintenant la nature du travail auquel il s'est livré. Les additions dont il a parsemé le texte commun peuvent se classer en quatre groupes différents: les nouvelles citations scripturaires, les autorités patristiques, les explicitations, les précisions théologiques. Ces ajouts se réduisent parfois à un ou deux mots, mais parfois aussi ils sont beaucoup plus importants et, malgré leur genre différent, ils se ressemblent tous par un souci manifeste d'expliquer. Au risque d'allonger un peu, nous donnerons une liste choisie d'exemples pour chacun de ces quatre cas; entre autres avantages, ces exemples montrent de façon concrète la méthode de travail de l'auteur. Dans tous les textes ci-dessous, l'intervention de l'auteur est indiquée en italiques; les numéros renvoient aux paragraphes de l'édition Marietti.

Citations scripturaires. Comme bien d'autres, notre auteur pratique l'art de compléter les citations; ce n'est pas en cela qu'il se distingue, il en ajoute de

18 Ces chiffres s'entendent des seuls sondages que nous analysons en détail; si nous considérons l'ensemble du texte, ces chiffres seraient plus de trois fois supérieurs.

19 Aucun indice ne nous permet d'en douter; au contraire il est aisé de trouver des arguments qui appuient cette identité, en voici un topique. Dans la deuxième collation ici éditée, l'auteur cite en abrégé un proverbe inspiré d'Horace et apparemment connu de ses auditeurs: 'unde quod noua testa capit etc.' (II 25-26); on trouve exactement la même formule en addition-explicitation dans la première collation du texte commun sur le respect dû aux parents (cf. Re¹ f. 213ra; Tr¹ f. 166rb). Quelques lignes plus loin (II 32-35), l'auteur développe l'exemplum du fils suspendu au gibet, qui coupe le nez de son père d'un coup de dents, pour lui reprocher la mauvaise éducation qu'il lui a donnée; on retrouve cela en abrégé dans la même collation que nous venons de citer: 'Exemplum de illo qui se suspendit abscisso naso patris sui' (Re¹ f. 213rb; Tr¹ f. 166va).

nouvelles et remanie le texte en fonction de ces additions.

- 1143: (Nichil est difficile amanti) sicut et apud nos manifeste uidemus *de multis*; *Cant.: aque, id est tribulationes multe, non potuerunt extinguere caritatem; ymmo de habentibus caritatem dicit propheta: tribulationes maris quasi lac suggerent.*

La loi de l'expérience n'a pas paru assez générale; l'auteur a donc précisé *de multis*; quant à l'écriture, ce n'est pas une, mais deux citations qu'il appelle en renfort.

- 1262: le texte évoque diverses manières de participer à un homicide: ... Manu ... Item ore ... Tertio adiutorio, Prou.: Fili mi ne ambules cum eis. Consensu, Rom.: Digni sunt morte...

La citation du livre des Proverbes ne suffit pas; l'auteur ajoute et remanie: cum eis, *scilicet* consensu: *prohibe pedem tuum a semitis eorum, pedes enim eorum ad mala currunt et festinant ut effundant sanguinem.* Rom.: Digni sunt morte... Il est difficile de dire si l'éloignement de *consensu* du texte des Romains qui l'appuyait, répond à une intention délibérée ou n'est qu'une maladresse, mais la modification du texte original est patente et le souci d'explicitation (*scilicet*) aussi net que dans le premier cas.

Citations patristiques. Ce besoin de rendre plus clair et mieux fondé l'enseignement proposé se révèle encore par l'appel aux autorités patristiques.

- 1144: Reposita est michi corona iustitie; nos mss. omettent la suite abrégée de la citation scripturaire et la remplacent par celle-ci: *Gregorius: hec est uestis nuptialis qua induti conuiue ad gratiam sponsi admittuntur.*
- 1315: Apud Deum enim uoluntas pro facto reputatur. Cette affirmation a semblé trop absolue au rédacteur; il précise: *uoluntas consentiens*, et il ajoute: *quia secundum Augustinum peccatum est in uoluntate et adeo est uoluntarium, quod si uoluntarium non est, non est peccatum.*

Etant donné la diffusion universelle de leurs œuvres, il n'y a rien d'inattendu à rencontrer ici Augustin ou Grégoire; il en est peut-être de même pour saint Bernard, mais le fait qu'il soit cité trois fois à quelques lignes d'intervalle semble indiquer une certaine familiarité du rédacteur avec cet auteur:

- 1139: nous devenons semblable à ce que nous aimons, dit le texte, qui cite Osée 9:10 pour appuyer cette affirmation: 'Facti sunt abominabiles sicut ea que dilexerunt'. Le rédacteur introduit la même citation de manière plus circonstanciée, en faisant appel à son auteur préféré: *B(ernardus) anima mea scio quia in illius quem diligis similitudinem transformaris. Unde propheta: 'Facti sunt...'*
- 1141: à la citation de Grégoire déjà faite par le texte, 'caritas non est otiosa etc.', notre auteur ajoute: *beatus Bernardus etiam dicit quod caritas aut perficit aut deficit.*

1145: la deuxième collation du texte commun s'achève par un bref résumé: 'Unde differentia beatitudinis ex differentia caritatis causatur'. Cette sobriété paraît insuffisante à notre auteur qui continue: *Propter hoc Bernardus: Quantum habes, scilicet caritatem, tantum es; si multam habes multus es, si parvam habes paruus es, si nullam habes nullus es. Apostolus: nunc autem manent fides, spes, caritas, tria hec.*

Explications. Les exemples que nous venons de lire sont particulièrement verbeux; habituellement les additions sont plus courtes et prennent la forme d'explications insérées toutes les trois ou quatre lignes pour suppléer à des tournures jugées trop elliptiques. En voici une liste:

1128: in lege *et in mandatis legis*

1140: absque caritate non habet uitam *spiritualem*

1142: non agit perperam *id est peruerse*

1262: omne animal diligit sibi simile *sic et homo proximum sibi*

1263: occidunt solum corpus *auferendo uitam nature*

1315: (non concupisces) et hoc propter multa; *sunt autem multa propter que homo cauere debet a cupiditate*

1316: id quod est minus eo ipsum implere non potest. *Exemplum de uase continente modium quod non impletur ex dimidio modio*

1317: saturitas diuitis non sinit eum dormire *semper enim cogitat de diuitiis*

1320: (cupiditas) uenenat caritatem Dei et proximi *unde est sicut uenenum caritatem mortificans siue necans.*

Cet échantillon suffira à donner un reflet fidèle de ces additions-explications. Ainsi qu'on en peut juger, ce sont le plus souvent d'inutiles redondances, caractérisées par une insistance qui manque un peu de subtilité. S'agissait-il d'aider l'auditoire à comprendre? Sans doute; mais nous croirions volontiers qu'il s'agit aussi d'une tournure d'esprit propre à l'auteur, et elle achèvera de se révéler dans les exemples suivants.

Précisions théologiques. Cette quatrième série complète, en fait, la précédente, et certains de ses cas pourraient être rangés dans les explications superflues. Toutefois, c'est bien un souci théologique qui se manifeste ici; l'addition 1315 (*uoluntas consentiens*) est typique de ces interventions, mais elle est loin d'être la seule.

1130: (lex) concupiscentie *carnalis*

1137: dans l'énoncé de la quadruple loi qui conditionne l'agir humain, notre auteur précise: ... *secunda, lex concupiscentie quam diabolus immittit; tertia lex scripture quam Moyses dedit; quarta lex caritatis quam ipse Christus docuit.*

1138: un acte en désaccord avec la règle de la charité 'non est rectum nec bonum

neque perfectum, *nec per consequens meritorium ymmo perniciosum et infructuosum*'.

1140 (anima) absque caritate non *habet uitam nec operatur*

1315: lex mundana (*humana*) *solummodo* iudicat facta et dicta, diuina autem non solum hec sed etiam *uolita et cogitata*

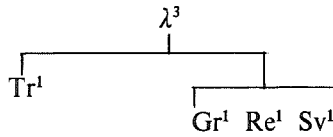
1324: propter corruptionem *nature*.

Cette liste pourrait être considérablement allongée, puisque elle ne représente qu'un choix opéré dans les trois sondages, alors que ces interventions peuvent être relevées d'un bout à l'autre du texte. Ces exemples suffisent cependant à jeter quelque lumière sur le personnage qui les a pratiquées. Selon toute vraisemblance, il a repris à son compte la prédication de saint Thomas, la 'truffant' de ses notations personnelles, faisant à sa manière œuvre d'auteur. Son esprit systématique le conduit même à ajouter un sermon supplémentaire quand il estime que la matière n'a pas été complètement traitée. Son goût pour les citations de saint Bernard, ainsi que la provenance de trois sur quatre des manuscrits qui nous transmettent son texte,²⁰ nous oriente vers un milieu monastique au début du xv^e siècle. Nous ne saurions toutefois préciser davantage pour l'instant; quelque chercheur familier de ces milieux pourra peut-être suggérer son identité. C'est dans l'espoir de faciliter cette recherche que nous publions ci-dessous le texte des deux collations qu'il a ajoutées à celles de Thomas d'Aquin.²¹

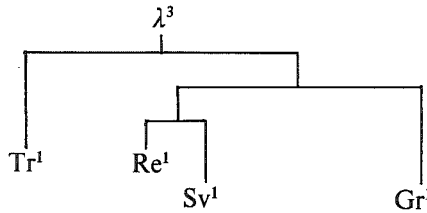
L'établissement du texte. Ainsi qu'on a pu le constater en lisant le compte rendu statistique des caractéristiques du groupe, le témoin Tr¹ est à considérer séparément: soit en raison de quelques accidents propres, soit en raison du fait que les trois autres possèdent en commun des variantes pures qui le distinguent de lui (9 au premier sondage; 5 au second; 8 au troisième). Il faut donc placer ces trois témoins sur une ligne de descendance parallèle à celle de Tr¹ par rapport à leur modèle commun:

20 Gr¹ vient de la Grande Chartreuse, Re¹ des bénédictins de Saint-Rémi à Reims, Tr¹ des cisterciens de Clairvaux; nous n'avons pas de renseignements sur la provenance de Sv¹. Peut-on voir dans l'origine française de ces trois manuscrits et dans l'absence de témoins allemands, les plus nombreux à cette époque, un indice pour la nationalité de l'auteur? Cela ne saurait guère dépasser la simple conjecture.

21 Avant d'abandonner cette question de l'identité de l'auteur, il faut répondre d'un mot à ce qui aurait été l'argument le plus fort en faveur de l'authenticité thomassienne. Soulignant que les deux collations supplémentaires commencent par des 'allusions très nettes aux collations qui les précèdent', Destrez dit à propos de la seconde: '*comme le fait remarquer S. Thomas*, ce commandement est le seul positif alors que tous les autres sont négatifs' (p. [68], nous soulignons); il manquerait donc quelque chose à l'ensemble si cette considération ne s'y trouvait pas. En réalité, Destrez ne s'est pas aperçu qu'il empruntait son argument au texte dont il voulait prouver l'authenticité (cf. ci-dessous II 2-5). Fort habilement, l'auteur de ce texte souligne ce qu'il veut apporter de nouveau, mais on ne peut s'en autoriser pour prouver qu'il s'agit bien de Thomas d'Aquin, et la démonstration est dénuée de toute valeur.



Cette première indication est confirmée et précisée par l'examen du texte que les quatre témoins sont seuls à attester. Une quatrième analyse, effectuée sur 560 mots, permet en effet de relever 19 cas où les trois témoins, Gr¹ Re¹ Sv¹, s'écartent *ensemble* de Tr¹. Cette portion de texte correspond à un peu plus de la première collation éditée ci-après; notre appareil permet de dresser une liste totale de ces cas ainsi que de constater la constance de la position séparée de Tr¹. Mais ce quatrième sondage a également permis d'observer une association plus étroite entre Re¹ et Sv¹; déjà perceptible aux premier et troisième sondage (cf. ci-dessus pp. 15-16), elle s'affirme au quatrième par trois variantes pures de ces deux témoins contre Gr¹ (trois autres s'y ajoutent dans la suite de cette première collation: Gr¹ sera donc à placer en parallèle des deux autres. Ces deux derniers ne sont pourtant pas à égalité; par rapport au texte commun aux quatre témoins du groupe, Gr¹ et Sv¹ présentent chacun treize variantes individuelles (omissions, lapsus, menues négligences de scribe), qui témoignent d'un texte de mauvaise qualité par rapport à celui de Re¹. En sorte que nous sommes conduit à les situer graphiquement selon un ordre qui suggère la prévalence de Re¹:



Le premier enseignement de ce tableau est une mise en garde contre la loi de la seule majorité. Elle ne peut jouer de façon automatique, puisque trois des témoins (Gr¹ Re¹ Sv¹) n'attestent en définitive qu'un texte unique, dont la valeur théorique est tout juste équivalente à celle du texte de Tr¹. Il a donc fallu examiner la qualité de ce dernier avant de savoir à qui donner la préférence. Ainsi qu'on pourra s'en rendre compte en examinant l'apparat ci-dessous, il est parfois difficile de trancher. Il arrive en effet que Tr¹ donne la seule bonne leçon;²² mais

²² Ainsi en I 6-7: 'teipsum et sic scies quomodo debes diligere'; il est manifeste que Tr¹ évite l'omission par homoiotéleuton des trois autres; en II 12: *Apostolum* est préférable à *philosophum*

il arrive aussi que cette leçon paraisse simplement meilleure (à nos yeux!), peut-être plus élégante²³ ou plus habile,²⁴ et dans ces cas-là on soupçonne une intervention rédactionnelle qui conduit plutôt à favoriser l'autre texte. Nous avons finalement opté pour le texte commun aux trois autres témoins, en raison des mélectures assez fréquentes et des omissions de Tr¹. Il est inutile d'en fournir ici une liste puisque on les trouvera dans l'apparat.

Pour l'établissement du texte, nous suivons donc habituellement l'accord des trois témoins Gr¹ Re¹ Sv¹. Toutefois le texte de Tr¹ est donné en apparat chaque fois qu'il s'en écarte; on pourra ainsi se rendre compte de ses singularités. Dans les cas où la tradition se divise deux à deux, nous suivons l'accord Re¹ Tr¹ de préférence à Gr¹ Sv¹. Les écarts individuels de ces deux derniers ne sont pas signalés, sauf quand ils permettent de fonder un choix. Nous ne signalons pas davantage les particularités orthographiques des différents témoins, non plus que leurs menus accidents (ratures vg.). Notre apparat, habituellement négatif, ne signale que les leçons qui s'écartent de celles que nous avons retenues, mais il nous arrive de faire appel à l'apparat positif pour justifier un choix qui n'est appuyé que par l'un ou l'autre témoin.²⁵

I

< De modo diligendi proximum sicut seipsum >

Item de eodem. 'Diliges proximum'. Superius habitum est de dilectione proximi ad quem diligendum inducunt quinque; hic autem ostenditur quomodo homo diligit seipsum et quomodo diligit proximum. Ad quod sciendum quod preceptum
5 Dei determinat specialem modum dilectionis proximi cum dicit 'sicut teipsum'.

2 Item de eodem] Item de dilectione proximi undecimum capitulum Tr¹ proximum] tuum etc.
add. Tr¹ 4 quomodo] per consequens *praem.* Tr¹ 5 Dei *om.* Tr¹

2 Cf. Lev 19: 18 et Mt 19: 19

puisque, quelques lignes plus loin (II 18), le texte parle de *Paulus*; II 94: *atque* est la leçon même de Grégoire.

23 En II 28-29, par exemple: 'hunc relinquis et acquiris' semblerait plus coulant que 'hunc relinquis uel requiris uel acquiris', mais que savons-nous du goût de l'auteur pour les allitérations?

24 Nous avons hésité à propos de II 113: la leçon *subuentionem* de Tr¹ correspond bien à l'*auxilium* de II 78, et on ne voit pas très bien la signification de *subiectionem*. Ce dernier mot est pourtant annoncé au début de la collation en II 11; il est vraisemblable que l'auteur aura voulu conclure son discours de la même manière qu'il l'a commencé.

25 Ici encore, il nous reste à reconnaître ce que nous devons à un chercheur qui nous a précédé. Au début des travaux sur les *Opuscula* de la section léonine du Saulchoir, J. Perrier s'était intéressé à la recension longue et en avait noté les additions. Prenant pour base le texte de Tr¹, dont il avait entièrement retranscrit les deux collations supplémentaires, il avait aussi collationné le texte de Gr¹; nous avons fait nous-même la collation des deux autres témoins.

Considera ergo primo quomodo debes diligere teipsum, et sic scies quomodo debes diligere proximum tuum.

Quatuor autem ex caritate debes diligere, id est uirtute caritatis, scilicet Deum, teipsum, proximum et corpus proprium. Sed de duobus homines non admonentur
10 multum, quia nullus est qui non diligit se et corpus proprium, et ideo non fuerunt data de hoc specialia precepta. Quamuis autem omnis naturaliter se diligit, non tamen ueraciter et sicut debet, quia scriptum est: 'Qui diligit iniquitatem odit animam suam'; unde mali qui diligunt iniquitatem non se diligunt. Et hoc apparet triplici ratione.

15 Primo ratione beneficentie: 'Probatio enim dilectionis exhibitio est operis' secundum Gregorium; unde qui diligit aliquem benefacit ei, sed malus non sibi benefacit et ita non diligit.

Verbi gratia sunt aliqui qui diligunt diuitias et temporalia, non tamen sibi sed se quodammodo diligunt propter diuitias, et tales peruertunt ordinem. Diuitie
20 enim sunt propter corpus et animam et alia necessaria uite humane, sed aliquis est ita miser et infelix quod nec corpori nec anime sue benefacit de diuitiis cum tamen cotidie laborare et sudare in earum questu non cesset. Unde Salomon, Eccles III^o: 'Est et aliud malum quod uidi sub sole, uir cui dedit Deus diuitias atque substantiam et honorem, et nichil deest anime eius ex omnibus que
25 desiderat, nec tribuit ei potestatem Deus ut comedat ex eo, sed homo extraneus uorabit illud.' Et ideo iusto Dei iudicio fit ut quod male congregauit filiis, filii eius non habeant sed inedia opprimantur, Eccles V^o: 'Diuicie congregatæ in malum domini sui pereunt et afflictio etc.; generauit filium qui in summa egestate erit.' Contrarium tenebat ipse Salomon qui dicebat in Eccles: 'Detestatus sum
30 omnem industriam meam et que sub sole laboraui, habiturus post me heredem quem ignoro utrum sapiens an stultus sit futurus, et dominabitur in laboribus meis quibus desudaui et sollicitus sum et est quidquam tam uanum?', quasi diceret: non.

Sunt alii qui diligunt corpus et ei a diuitiis benefaciunt, tamen contra animam;
35 in quorum persona dicit Salomon, Eccles I^o: 'Ludam et affluam diuitiis et fruor bonis.' Isti non diligunt se, nam amor debet esse ordinatus. Qui enim diligeret pedem plus quam totum corpus fatuus esset; unde si quis pateretur in pede ita quod oporteret pedem abscindi uel totum corpus interire, nonne fatuus esset si

6 ergo] igitur Tr^l 6-7 teipsum ... diligere Tr^l] *hom. om. alii* 8 diligere Tr^l] *om. alii* 9 teipsum] et *add. Tr^l* 10 multum *om. Tr^l* 11 omnis naturaliter *inu. Tr^l* 12 est *om. Tr^l* 18 sunt] enim *add. Tr^l* 29 erit Gr^l] *om. alii* ipse ... dicebat *om. Tr^l* 31 quem] quam Tr^l 34 a Tr^l] de Gr^lSv^l *om. Re^l* 35 Ludam *codd.] uadam Vulg.* 37 fatuus] factuus Tr^l 38 oporteret] oportet Tr^l.

12 Ps 10: 6 15-16 Gregorius, *In Euangel.* 2. 30. 1 (PL 76. 1220) 23-26 Eccl 6: 1-2 27-29 Eccl 5: 12-13 29-32 Eccl 2: 18-19 35-36 Eccl 2: 1

dimitteret potius totum corpus interire quam pedem abscindi? Sicut ergo corpus
 40 dignius est membro, ita anima est dignior corpore et quouis membro, Matth:
 'Nonne anima plus est quam corpus?' Unde qui non diligit animam supra corpus
 male se diligit, ymmo magis se odit; sed Apostolus bene se amabat qui dicebat:
 'Castigo corpus meum et in seruitutem', scilicet anime, 'redigo'. Tunc enim bene
 te diligis quando corpus subdis imperio anime uel rationis. Gulosi igitur et
 45 luxuriosi, qui in delectatione corpus preponunt anime, non se diligunt, ymmo
 potius se odiunt nec sunt in caritate.

Item sunt aliqui qui uidentur se diligere quantum ad animam, sed non uere
 diligunt animam. In anima enim duo sunt, scilicet intellectus et affectus. Si enim
 esset aliquis infirmus qui ualde appeteret uinum quod tamen sibi esset nocium et
 50 sine periculo bibere non posset, quis magis infirmum diligeret: qui negaret sibi
 uinum petenti uel qui daret? Certe qui ei denegaret. Preterea, si quis haberet
 filium fatuum qui uellet se occidere, quis eum magis diligeret: qui cum teneret
 gladium auferret et ligaret uel qui ad suam perniciem gladium sibi dimitteret?
 Certe qui gladium auferret.

55 Ita sunt aliqui qui habent malam et inordinatam uoluntatem quam semper
 uolunt executioni mandare pretermisso iudicio rationis; quibus dicitur Prou: 'Post
 concupiscentias tuas non eas, facient te uenire in gaudium inimicis tuis.' Preterea,
 qui uellet magis credere proprio sensui quam Deo fatuus esset nec se diligeret, et
 qui consuleret alicui quod non iret post Dei uoluntatem et sapientiam male con-
 60 suleret nec eum diligeret, quia Deus melius scit et plus diligit bonum nostrum
 quam nosmetipsi; ideo dicitur Prou: 'Ne innitaris prudentie tue'.

Unde diuitie facte sunt propter corpus, corpus autem debet subesse anime et
 anima Deo; et ideo, sicut dictum est, qui non bene diuitias diligit sed plus quam
 debet non se diligit. Nec etiam Deum diligit qui omnia propter seipsum fecit et
 65 diuitias et delicias et huiusmodi. Sed dicet aliquis: si fecit omnia, ad quid fecit ea
 ex quo prohibuit ne utamur et delectemur in eis? Ad quod dicendum quod non
 prohibuit usum sed abusum et superfluum, Ps: 'Michi autem adherere Deo bonum
 est' etc. Sequitur ergo quod illi qui non ponunt cor in Deo non se diligunt.

Secundo patet quod mali non diligunt se ratione amicitie. Qui enim amat
 70 aliquem libenter uidet eum et stat cum eo presentialiter, uel ad minus loquitur uel

39 corpus²] totum *add.* Tr¹ 40 est dignior *inu.* Tr¹ 42 se¹ Gr¹] *om. alii* 43 scilicet
om. Tr¹ enim *om.* Tr¹ 45 delectatione Tr¹] dilectione *alii* 48 enim] uero
 Tr¹ 51 uel] et Tr¹ 52 se] eum Tr¹ magis *om.* Tr¹ 52-53 qui ... ligaret *om.*
 Tr¹ 53 qui] quis Tr¹ sibi dimitteret *inu.* Tr¹ 56 mandare] demandare Tr¹ 63 est
 Gr¹Tr¹] *om.* Re¹ Sv¹ diuitias ... quam] sed plus Tr¹ 65 dicet] diceret Tr¹ 68 quod *om.*
 Tr¹ cor] corpus Tr¹ 70 aliquem *om.* Tr¹

41 Cf. Mt 6: 25 43 1 Cor 9: 27 56-57 Ecclus 18: 30-31 61 Pr 3: 5 67-
 68 Ps 72: 28

cogitat de eo si sit absens. Ita sancti qui Deum amant delectantur circa Deum siue in Deo; sed mali quando reuertuntur ad cor suum non inueniunt unde delectentur sed unde tristentur solum, scilicet remorsum conscientie et dolorem et uilitatem culpe, unde plerique male delectantur sed proprie non delectantur; ratio est quia 75 in eis non est quidquam delectabile, in bonis autem est; ideo dicitur in Eccli: 'Precurre prior in domum tuam', id est conscientiam, 'et illic lude'.

Tertio ratione unitatis et concordie. Qui enim diligit aliquem concordat cum eo quia amicorum est idem uelle et idem nolle. Sed multi non inueniunt concordiam secum, unde licet interdum faciant aliquod bonum, caro tamen repugnat aduersus 80 spiritum, unde habent continuum bellum in seipsis. Sanctorum autem uoluntates et spiritus et ratio etc. ita sunt ordinata quod omnia concordant simul et habent pacem bonam, Ps: 'Pax multa diligentibus legem tuam' etc. Unde illi qui cum aliis non conueniunt nec cum seipsis sed discordant, ista pace frustrantur siue carent, Ysa: 'non est pax impiis, dicit Dominus'. Mali ergo non se diligunt quia in 85 diuitiis ex eorum abusu multipliciter offendunt, et quia in se delectationem non inueniunt, et quia nec secum nec cum aliis pacem habent nec conueniunt; boni autem quia oppositum faciunt seipsos uere diligunt. Ex istis ergo habemus qualiter proximos nostros diligere debeamus.

II

< De honore parentum et aliorum >

Item de quarto precepto. 'Honora patrem tuum et matrem tuam' etc. Inter precepta legis que ad dilectionem proximi pertinent, unum solum est affirmatiuum et est istud: 'Honora patrem tuum' etc.; alia enim precepta omnia negatiua sunt: 5 'Non occides' etc.

72 quando] qui *correctus in* quando Tr¹ inueniunt] inuenient Tr¹ 73 tristentur] con-
tristentur Tr¹ scilicet Tr¹] sed *alii* 74 unde] dum Tr¹ 75 ideo ... Eccli *om.*
Tr¹ 76 illic lude *Vulg.] lau. codd.* 79 tamen] semper *add.* Tr¹ 79-80 aduersus spi-
ritum] spiritui Tr¹ 81 et¹ *om.* Tr¹ 82 etc. *om.* Tr¹ unde] dum Tr¹ 85 delec-
tationem Tr¹] dilectionem *alii* 86 pacem *om.* Tr¹ 87 ergo Gr¹ Re¹] igitur Sv¹
Tr¹ 88 debeamus] etc. *add.* Tr¹

76 Ecclus 32: 15 82 Ps 118: 165 84 Is 48: 22

2 Item ... precepto] De eodem precepto. 21. capitulum Tr¹ 3 proximi *om.* Tr¹ 4 tuum
etc. Gr¹ Tr¹] *om.* Re¹ Sv¹ precepta ... sunt] omnia precepta sunt negativa Tr¹ sunt] ut *add.*
Tr¹

2 Ex 20: 12

Nota ergo quod in hoc precepto intelligitur omne illud quod debes facere et dare proximo; unde intelligitur in isto precepto non solum quod debet filius patri sed quod pater filiis et uir uxori et dominus seruo et proximus proximo et cetera huiusmodi. Licet enim Moyses posuerit solum de honore parentum, solum
10 dicendo: 'Honora patrem tuum' etc., intellexit tamen de omni alio, et ita Paulus exponit et subiectionem.

Sed qui debet pater filiis? Thesaurizare eis secundum Apostolum, scilicet unde temporaliter sustententur. Sed de hoc non est necesse multum loqui quia pauci inueniuntur qui contrarium faciant. Unde utinam non plures dampnarentur ex
15 nimia congregatione et thesaurizatione quam ex negligentia et dissipatione thesaurorum suorum; tamen non est sine peccato quod homo dissipet substantiam suam et filii remaneant mendici et inopes ex culpa sua, cum posset sine peccato eos relinquere in bona prosperitate uel bono statu. Non igitur intellexit Paulus solum de hoc thesauro sed etiam de alio meliori quem debent parentes filii
20 thesaurizare, et iste est multiplex.

Est thesaurus scientie uel sapientie, Eccli: 'Diuitie salutis' etc. Alii enim thesauri perduntur et tolluntur sed iste thesaurus nunquam tollitur; ideo debent parentes solliciti esse filios suos docere scientiam et huiusmodi, Eccli: 'Filii tibi
sunt? erudi illos', et hoc 'in pueritia'; non expectes adolescentiam quia 'adoles-
25 centia et uoluptas uana sunt', unde 'adolescens iuxta uiam suam', unde 'quod noua testa capit' etc.

Alius est thesaurus gratie ut timere et diligere Deum, et hic thesaurus nunquam deficit quia 'timor Domini sanctus permanet in seculum seculi' in Ps. Hunc relinquis uel requiris uel acquiris filio tuo uel etiam fratri quando corripis eum de
30 excessu et castigas, Prou: 'Noli subtrahere a puero disciplinam; si enim percusseris eum uirga non morietur', scilicet corporaliter; sed si non percusseris timendum est ne moriatur spiritualiter et quandoque corporaliter. Exemplum de illo qui fuit suspensus quia non fuit correctus in pueritia, et uocauit patrem et fingens uelle osculari eum absceidit ei nasum cum dentibus in signum quod sua
35 ineruditio fuerat causa mortis filii.

7 isto] hoc Tr¹ 9 posuerit] posuit Tr¹ parentum solum om. Tr¹ 12 Apostolum Tr¹
philosophu alii 18 uel] et in Tr¹ igitur] ergo Tr¹ 19 etiam om. Tr¹ 21 Est] enim
add. Tr¹ Eccli om. Tr¹ etc. om. Tr¹ 24 expectes] expecta Tr¹ 25-26 unde² ... etc.
om. Re¹ 26 capit Tr¹] om. Gr¹ Sv¹; cf. supra n. 19 27 nunquam] non Tr¹ 28 per-
manet] permanens Tr¹ 29 uel requiris uel] et Tr¹ 30 puero] filio Tr¹ 33 et¹] qui Tr¹

10 Paulus, cf. Eph 5: 21 ss.; 6: 1 ss. 12 Apostolum, cf. 2 Cor 12: 14 21 Ecclus, uide
potius Is 33: 6 23-24 Ecclus 7: 25 24-25 Eccl 11: 10 25-26 Pr 22: 6 'Quod
noua testa capit (inueterata sapit)', cf. Horatius, *Epist.* 1. 2. 69 dans H. Walther, *Lateinische
Sprichwörter und Sentenzen des Mittelalters* 4 (Göttingen, 1966), n° 25948 28 Ps 18:
10 30-31 Pr 23: 13

Alius est thesaurus bone fame, Prou: 'Melius est nomen bonum quam unguenta pretiosa'. Tunc autem istum thesaurum filio acquiris quando tu niteris esse bonus quia 'gloria hominis ex honore patris sui'. Quando enim homo fuit male fame, obprobrium est filiorum, ymmo dicitur: iste non potest esse bonus qui talem
 40 patrem habuit; unde et ipsi filii confunduntur. Unde dicitur Eccli XLI^o: 'De patre iniquo conqueruntur filii quoniam propter illum sunt in obprobrium'; Eccli III^o: 'Gloria filiorum parentes eorum', 'dedecus filii pater sine honore'. Tunc thesaurizas filiis thesaurum bone fame quando studes conseruare famam tuam et honorem.

45 Item uir debet uxori sue, scilicet amorem secundum Apostolum, Col II^o, et ponit hanc similitudinem: Christus sponsus est ecclesie et ecclesia sponsa Christi. Nos ergo sumus filii qui de hac sponsa, id est ecclesia, et Christo, dicimur christiani; Iohan I^o: 'Quotquot autem receperunt eum dedit' etc. Christus itaque tantum dilexit ecclesiam quod mori uoluit pro ea. Ita uir debet diligere uxorem et
 50 e conuerso uxor debet diligere uirum sicut Sarra faciebat, I Pet III^o. Unde uxor non debet contrariari uiro in hiis que sunt secundum Deum, ymmo semper debet sequi uoluntatem uiri sui cum caput mulieris sit uir sicut caput uiri Christus, ut dicit Apostolus Cor.

Domini etiam debent seruis suis iustitiam et equitatem, Col III^o: 'Domini, quod iustum est et equum seruis prestate scientes quoniam uos Dominum habetis in celo'; Gregorius, XXI^o Moral.: 'Qui eternum Dominum tremore cordis intuetur iura temporalis dominii super subiectos moderari compellitur. Perpendit enim nichil esse quod temporaliter preest ceteris quando illi ad reddendam rationem subest qui sine fine dominatur. Sepe namque temporalis potestas animum per
 60 abrupta elationis rapit, et quia eo quisque extollitur quo se esse super alios uidet, illum oportet qui super se est semper aspiciat, ut ex eius metu qui super omnia est, crescentem intrinsecus animi tumorem premat. Intuetur enim qui sub ipso sint, sed consideret ipse sub quo sit ut ex consideratione Domini decrescat tumor false dominationis.'

36 est¹ om. Re¹ Sv¹ 38 hominis] est add. Tr¹ 39 qui] quia Tr¹ 42 Tunc] ergo add. Tr¹ 43 tuam om. Tr¹ 45 scilicet om. Tr¹ 48 autem om. Tr¹ dedit] eis add. Gr¹
 Tr¹ 52 caput mulieris sit uir] mulieris sit uir caput Tr¹ 55 uos Dominum inu. Tr¹ 56 XXI Gr¹ Sv¹] XX Re¹ XII Tr¹ 58 reddendam] reddendam Tr¹ 60 abrupta Gr¹
 Tr¹] arrupta Re¹ Sv¹ 61 est om. Tr¹ 62 intrinsecus ... tumorem] cum timore Tr¹ tumorem Gr¹ cum Gregorio] timorem Re¹ Sv¹ timore Tr¹ enim om. Tr¹ 63 sed Gregorius] si codd. sit Gregorius] om. codd. tumor] timor Tr¹

36-37 Pr 22: 1 38 Ecclus 3: 13 40-41 Ecclus 41: 10 42 Pr 17: 6 Ecclus 3: 13
 45-46 Col 2, uide potius Eph 5: 22 ss. 48 Io 1: 12 50 I Pet 3: 6 53 Cf. I Cor 11: 3
 54-56 Col 4: 1 56-64 Gregorius, Moral. 21. 14. 21 (PL 76. 202D-203A)

65 Item si dominus qui habet seruos vel subiectos cogitaret si ipse esset subiectus sicut illi quid uellet sibi a domino suo fieri, satis potest considerare quid ipse debeat subiectis suis. Unde non debet eos exasperare uel prouocare, ymmo diligere et amicabiliter tractare secundum illud: 'Si est tibi seruus, sit tibi sicut anima tua'. Exemplum de quodam imperatore qui frequenter comedebat cum
70 militibus suis, et reprehensus quod non debebat ire ad domum alicuius militis et comedere ibi quia non decebat eum, respondit: ego semper cogitabo statum meum quando eram subiectus et quia multum affectabam uidere faciem imperatoris, beatum me reputans pre gaudio si potuissem habuisse eum in domo mea ad cibum. Ita faciunt hii de me, et propter hoc istud recogitans comedo cum eis et
75 consolor eos. Omnis ergo qui habet dominium super alios deberet cogitare si esset subditus quid uellet sibi fieri a domino ut eadem impendat subiecto.

Item quilibet proximo suo et fratri debet aliquid, quia de hoc intelligitur predictum preceptum. Debet enim sibi consilium et auxilium, Prou: 'Frater qui adiuuatur a fratre quasi ciuitas firma'. Sicut enim ipse Christus dicit: 'Omnes
80 fratres estis uos', et hoc quia unam matrem habetis, scilicet ecclesiam, et unum patrem, scilicet Christum. Istud autem auxilium debet impendi tempore opportuno secundum quod indigentia manifestat. Unde est preceptum affirmatiuum quod obligat semper sed non ad semper. Sed audi quid dicat Ioh in canonica: 'Si quis habuerit substantiam huius mundi, etc. quomodo caritas Dei manet in illo?'
85 Unde in necessitate est misericordia impendenda. Unde si quis est grauis infirmitate corporali uel spirituali ut est pronitas ad iram, turbationem et impatientiam, talem secundum Apostolum debes supportare et sustinere infirmitatem eius, Col: 'Supportantes inuicem et donantes uobismetipsis, si quis aduersus aliquem habet querelam sicut et Dominus donauit uobis ita et uos.'
90 'Alter alterius onera portate et sic adimplebitis legem Christi', que scilicet est in caritate. Unde ibidem statim adiungitur: 'Super omnia autem hec caritatem habentes que est uinculum perfectionis'. Unde ubi est indigentia, ibi debet impendi misericordia, Gregorius, XX Moralium: 'Misericordia a misero corde uocata est eo quod unusquisque intueatur quempiam miserum atque ei compatiens dum
95 dolore animi tangitur ipse cor miserum facit ut eum a miseria liberet cui intendit.'

66 sibi *om.* Tr¹ 69 tua *om.* Tr¹ 70 suis *om.* Tr¹ 71 cogitabo] cogito
Tr¹ 73 habuisse eum *inu.* Tr¹ 74 faciunt hii *inu.* Tr¹ 75 deberet] debet
Tr¹ 76 impendat *om.* Tr¹ Frater *om.* Tr¹ 81 patrem scilicet *om.* Tr¹ 84 habuerit]
habuit Tr¹ 91 statim *om.* Tr¹ super] si Tr¹ hec] habes et Tr¹ 94 intueatur] in-
tuetur Tr¹ atque Tr¹ *cum Gregorio*] quia *alii* dum] cum Tr¹

68-69 Ecclus 33: 31 78-79 Pr 18: 19 79-80 Mt 23: 8 83-84 1 Io 3: 17 88-
89 Col. 3: 13 90 Gal 6: 2 91-92 Col 3: 14 93-95 Gregorius, *Moral.* 20. 22. 63 (PL
76. 175B)

- Nichil autem est tam miserum faciens sicut peccatum, quia Prou XIII^o: 'Miseros facit populos peccatum', intellige: quia deprimit ad infernum, et ratio est quia elongat a Deo et a gloria Dei, et inde est quod nulla maior potest impendi misericordia quam impedire uel extrahere hominem de peccato. Si enim cibus eum aut
 100 uestis bonum est, sed longe melius quando conuertis eum quia 'plus est' et nobilior et melior 'anima quam esca uel uestis' et huiusmodi sine comparatione. Et ideo talis misericordia longe melior est; unde 'gaudium erit angelis Dei super uno peccatore' etc.; 'si ergo peccauerit in te frater tuus, uade' etc.; 'si te audierit lucratus eris fratrem tuum'. Et non solum animam eius lucraris sed tuam, Iac:
 105 'Qui conuerti fecerit animam suam', peccatoris scilicet conuersi, 'liberauit a morte et operit multitudinem peccatorum', scilicet conuertentis, quia propter caritatem quam habes ad proximum Deus dimittit tibi peccata tua. Nec est dicendum: non sum nec sacerdos neque predicator, quid ad me? quia 'unicuique mandauit de proximo suo', ut dicitur Prou.
- 110 Habes ergo quod parentes debent thesaurizare filiis thesaurum non solum temporalis substantie sed thesaurum bonitatis et scientie spiritualis, gratie et bone fame. Item quod uiri debent uxoribus dilectionem et e conuerso, et domini seruis iusticiam et rationem, et quilibet proximo suo caritatem et subiectionem, et hoc precipue in conuertendo peccatorem quod est donum super alia dona. Rogemus
 115 ergo Dominum Deum nostrum etc.

Editori di San Tommaso, Grottaferrata.

96 est *om.* Tr¹ quia] m^{ra} add. Re¹ Sv¹ 97 intellige ... infernum] *post* gloria Dei
 Tr¹ 98 a² *om.* Re¹ inde] deinde Tr¹ quod] quia Tr¹ 100 quando] si
 Tr¹ 101 sine comparatione] *praem. ante* anima Tr¹ 102 est *om.* Tr¹ 103 uade *om.*
 Tr¹ 104 eris Re¹] es *alii* 105 scilicet conuersi *inu.* Tr¹ 108 nec Re¹] neque Gr¹ Sv¹
om. Tr¹ 110 debent] deberent Tr¹ 113 subiectionem] subuentionem Tr¹ 115 ergo ...
 etc. *om.* Tr¹

96-97 Pr 14: 34 100-101 Lc 12: 23; Mt 6: 25 102-103 Lc 15: 10 103-104 Mt
 18: 15 105-106 Jac 5: 20 108-109 Ecclus 17: 12

RICHARD FISHACRE'S *QUAESTIO*
ON THE ASCENSION OF CHRIST: AN EDITION

R. James Long

THAT the studium at Oxford from the beginning exhibited a distinctly scientific orientation is a fact well established by historians of medieval thought.¹ This interest in the positive sciences, moreover, was true both of the seculars (like Alfred of Sareshel, Daniel of Morley, John Blund, and Robert Grosseteste) and also the Franciscans (like Adam Marsh, Richard Rufus, and Roger Bacon), the latter group owing their interest at least in part to the tutelage of Grosseteste.

What is not so well established is the intellectual identity of the early Dominicans at Oxford. Did they share the scientific interests of their colleagues or did they incline more toward the speculative interests of the Paris theologians? Here the sources are scanty. Aside from a commentary on the Psalms and a few sermons by his mentor Robert Bacon,² the works of Richard Fishacre provide the sole surviving witness for the teaching activities of the early English Dominicans.³

In the Prologue to his Sentence-Commentary, which was probably the first composed at Oxford,⁴ Fishacre articulates the commonplace rationale for the

1 See especially D. A. Callus, 'Introduction of Aristotelian Learning to Oxford', *Proceedings of the British Academy* 29 (1943) 3-55.

2 MS. Bodley 745 (2764), fols. 193-497; and British Library MS. Royal 7.A.ix, fol. 70v. See B. Smalley, 'Robert Bacon and the Early Dominican School at Oxford', *Transactions of the Royal Historical Society* 30 (1948) 3-16.

3 Fishacre's extant works include a Sentence-Commentary (which survives in eleven MSS.), a treatise on heresies, the *quaestio* on the Ascension of Christ edited here, a collection of seventy-two *quaestiones* excerpted from the Sentence-Commentary (in Cambridge, Trinity Coll. MS. 0.I.30), a number of sermons (see e.g. Cambridge, Trinity Coll. MS. B.15.38, fols. 24r-33r), and a treatise entitled *De fide, spe, et caritate* (which is possibly the anonymous piece by the same title in Oxford, Corpus Christi Coll. MS. 32, fols. 59r-63v; see L. E. Boyle, 'Three English Pastoral *Summae* and a "Magister Galienus"', *Studia Gratiana* 11 [1967] 140 n. 15).

4 Callus, 'Aristotelian Learning', 32; and R. J. Long, 'The Science of Theology according to Richard Fishacre: Edition of the Prologue to His *Commentary on the Sentences*', *Mediaeval Studies* 34 (1972) 71 n. 1.

study of the sciences, namely as a propaedeutic to the study of Sacred Scripture.⁵ He finds a figure for this ancillary relationship in the Old Testament tale of Abraham, who had first to sleep with the maidservant Agar before his wife Sarah could conceive, the former representing the sciences, the latter theology.⁶ Although he endorses such a relationship, Fishacre warns of the risks involved. There were those in his day, he admits with astonishment ('fateor mirabile'), who delighted solely in the embraces of a common handmaid and cared nothing for the lady of the house, though possessed of incomparable beauty. When they finally tore themselves away from the bosom of the secular sciences, moreover, they found themselves to be impotent with the queen of the sciences owing to their advanced age, just as David in his declining years bedded the beautiful Abisag for her warmth but did not know her carnally.⁷

This approach to theology via the secular sciences is admirably illustrated in an untitled and anonymous *quaestio* on the Ascension of Christ which occurs at the end of Vatican MS. Ottob. lat. 294. On the evidence both external and internal, which I will review below, I feel confident in ascribing the piece to Fishacre. If his Sentence-Commentary can be dated *circa* 1241-45,⁸ I would tentatively place the *De ascensione* between 1245 and 1248, the year of Fishacre's death. The style, the rather unfinished nature of the text, and especially the character of the rather frequent errors, moreover, all suggest strongly that the original was in the form of a *reportatio*.⁹

The first and most obvious argument for the authorship of the work is its physical location, namely, appended to a copy of Fishacre's Sentence-Commentary.¹⁰ The scribe of the *De ascensione*, furthermore, was one of several who labored over the latter. More significantly, the style of the piece, principally its cautious tone, is unmistakably Fishacre's. Like many an untenured faculty member he tends to abstain on issues that reflect a division of opinion. In the Sentence-Commentary this hesitancy saves him from committing himself on such sensitive and complex questions as the plurality of forms.¹¹ In the *De ascensione*

5 'Hinc insuper patet quod accedentem ad hanc <theologiam> oportet alias <scientias> praecognoscere vel universaliter omnes vel pro magna parte; alioquin ignorabit exempla huius scientiae' (Long, *ibid.*, 85).

6 *ibid.*, 85-86.

7 *ibid.*, 86-87.

8 *ibid.*, 74.

9 There are a number of stylistic clues that would indicate that the piece resulted from the reciprocity of live debate and the reporting thereof: e.g. *dicebat* (p. 46), *ad hoc quod dicis* (p. 47), *cuius des subtilitatem* (p. 50), *responde* (p. 54). The textual corruptions, moreover, that are likely to have resulted from oral transmission are noted in the apparatus.

10 The codex contains as well *adnotationes* on Augustine's *De haeresibus* (fols. 287r-294v), which I would argue on similar grounds are from the pen of Richard Fishacre.

11 R. J. Long, 'Richard Fishacre and the Problem of the Soul', *The Modern Schoolman* 52 (1975) 265-66.

we read the same distinctive phrases: 'sic dico, non tamen asserendo, sed magis mihi uidetur'; 'cui concedenti mihi uidentur, non tamen assero'; 'dici tamen posset, nisi aliquid melius uideatur'; 'nec certum inuenio et ideo non dico', and so on.

Most telling, of course, are the close doctrinal similarities of the piece, amounting at times to literal parallelisms, to at least three distinctions (2.14, 4.44, and 4.47) in his Sentence-Commentary.¹² Although Fishacre nowhere in his Commentary addresses himself explicitly to the doctrine of the Ascension,¹³ it is abundantly clear from these passages that not only was the author raising the same physical and cosmological issues and reading the same sources (notably Aristotle) but he was in most instances also reaching precisely the same conclusions as in the *De ascensione*.¹⁴

As to the content of the *quaestio* it must be said at the outset that Fishacre approaches this doctrine with both originality and daring. The usual manner of treating the issue employed by his predecessors and contemporaries at Paris was by way either of a literal gloss on the Scripture text or a meditation on the metaphorical content of the doctrine.¹⁵ Although there are several allusions to Aristotelian science in an anonymous *quaestio* on the Ascension, which the Quaracchi editors have tentatively attributed to Alexander of Hales, the author's analysis takes a different tack and relies far less than Fishacre's on the Stagirite.¹⁶

12 See Cambridge, Gonville and Caius Coll. MS. 329/410, fols. 188ra-b, 515ra-518vb, and 530va-531ra. See also Cambridge, Trinity Coll. MS. O.I.30, qq. 49-50, fols. 20v-21v.

13 Notice should be taken of a sermon on the Ascension ('Ascendit Deus in jubilacione') in Cambridge, Trinity Coll. MS. B.15.38, fols. 35r-37r, which J. B. Schneyer has attributed to Fishacre (*Repertorium der lateinischen Sermones des Mittelalters für die Zeit von 1150-1350* [Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters 43. 5; Münster, 1974], p. 148, no. 17). The only reason given by Schneyer for his assigning the sermon to Fishacre, however, is that it follows a sermon on fol. 24r ('Ego autem sicut oliua') which bears Fishacre's name in the rubricator's hand. There are, moreover, arguments against Fishacre's authorship: (1) the marginal note (in a modern hand) on fol. 35r reading 'Dictum Lincolnensis 50'; (2) a note in the same hand in the fly-leaf following the item 'Ser: in Ascensione Domini' reading 'Lincolnensis'; (3) most importantly, the fact that the sermon has nothing in common with the treatment of the subject in both the Sentence-Commentary and the *De ascensione*. The 'Ascendit Deus' sermon, in fact, stands in sharp contrast to the 'Ego autem sicut oliua' sermon, which makes extensive use of Aristotelian science (in this case the pseudo-Aristotelian *De plantis*) and clearly bears the impress of Fishacre's style and interests.

14 The parallel passages will be noted as they occur in the text. Though by no means do I claim to have found every relevant text, enough have been cited, I believe, to demonstrate quite clearly Fishacre's authorship of the present *quaestio*.

15 See e.g. William of Auvergne, Sermon for the Fourth Sunday after Easter, in *Opera omnia* 2.2 (Rouen, 1674), p. 265.

16 Alexander of Hales, *Quaestiones disputatae 'Antequam esset frater'*, vol. 3 (Quaracchi, 1960), appendix 2, q. 3, pp. 1469-78. See the note on this question *ibid.*, vol. 1, p. 23*. In addition, the compilation that circulated under the title *Summa fratris Alexandri* devotes seven chap-

Since the Lombard did not include the doctrine in his *Sentences*, it was not incumbent on his commentators to raise the issue. Neither Alexander's Glosses on the *Sentences*, a prototype of such works at Paris, nor Fishacre's Commentary, as mentioned, contain any specific treatment of Christ's ascension. However, when Peter Lombard asks about the nature and location of Christ during the three days between his crucifixion and resurrection (3.22), Thomas Aquinas finds occasion also to ask several questions about his ascension: namely 'whether Christ ought to have ascended?'; 'whether the motion of the Ascension was forced (*violentus*)?'; and finally, 'whether Christ ascended above the heavens?'¹⁷

Until Aquinas' careful and thorough discussion of the question, however, Fishacre's opusculum stands virtually alone with respect to the extent to which he makes use of the new science.¹⁸ Invoking the Aristotelian concepts of natural place, natural motion, gravity and levity, vacuum, and time, Fishacre asks by what power Christ's ascension took place, that is, was it by virtue of his divinity, his soul, or his body? That it was possible that Christ ascended by virtue of his divinity, Fishacre establishes by citing the authority of Scripture. The possibility of the Ascension taking place by the power of Christ's soul, however, merits a lengthier discussion. Four arguments are advanced, all to the effect that the rational soul is deserving of the highest place in the universe because it is the noblest of creatures; furthermore, it will naturally be conveyed to that place unless impeded.¹⁹

Does not the glorified body impede the soul, asks Fishacre? Decidedly not, is his response, and he formulates no less than nine arguments to prove it. Most of these arguments are *a fortiori* and offer little difficulty of interpretation. The third, for example, runs as follows: a sound albeit heavy body is more mobile

ters to the Ascension (Alexander of Hales, *Summa theologica* III, tr. 7, q. 1; vol. 4 [Quaracchi, 1948], pp. 278-92). Despite the occasional reference to Aristotle and two citations of St. Augustine in common with Fishacre, there is no evidence to suggest that the one work influenced the other. Since, moreover, a version of the *Summa* was in circulation about 1250, the dates of composition/compilation for the two works are roughly contemporaneous.

17 3 *Sent.* 22.3.1-3 (Parma, 7.232-35).

18 My examination of the works of Fishacre's contemporaries has admittedly not been exhaustive. Mention should be made, for example, of two anonymous questions (one possibly Alexandrine) on the Ascension in Prague, Univ. MS. IV.D.13, fols. 211vb-213va (described by B.-G. Guyot, 'Quaestiones Guerrici, Alexandri et aliorum magistrorum Parisiensium', *Archivum Fratrum Praedicatorum* 32 [1962] 86). The second was printed by the Quaracchi editors as Alexandrine material (see n. 16 above), but the first (listed as no. 216) seems to contain, according to Guyot's summary description, a scientific analysis not unlike Fishacre's. Also Guerric of Saint-Quentin has a question on the Ascension in Todi, Biblioteca Comunale MS. 71, fols. 59c-60b, which I have not had the opportunity to examine.

19 See below, pp. 43-44. A version of this commentary was read at the Eleventh Annual Conference on Medieval Studies, Kalamazoo, Michigan, May 1976.

than a light and infirm body (according to the authority of St. Augustine); but since Christ's soul is most robust, his body is perfectly sound; therefore, most mobile. In the seventh argument he asks rhetorically why, if by virtue of a heavenly body water is suspended in clouds (above its natural sphere), cannot the glorified body, which is lighter than water, be raised on high by the power of the spirit, which is heavenly by nature; or similarly (in the ninth argument), if the spirits of birds can keep their non-glorified bodies in the airy sphere, why cannot the soul of Christ bear his lighter body (because glorified) into the empyrean, the highest sphere of heaven?²⁰

To the thesis that the soul by its very nature ascends Fishacre presents two objections. First, it would seem that the souls of the damned *descend* into hell. Do they do so willingly, forcedly, or naturally? Eliminating the first two alternatives, it remains that certain souls descend of their own nature. Secondly, if the natural appetite of the angel is to be in heaven, its beatitude is diminished whenever it is sent thence on a divine mission; the implication is that this is unseemly.²¹

Fishacre resolves the difficulty by drawing a distinction; a place is said to be natural to a thing in two ways: (1) because the substance in question has a natural form by which it is inclined toward and desires that place (such being the case with the elements), and (2) because it has a natural form by which it desires that which is suitable to its nature (for example, the bird that is drawn to its nest but leaves it temporarily in search of food). The latter is the case with the rational spirit, which by its specific form desires naturally whatever it sees as being in harmony with its nature, including the highest place, the empyrean heaven.²²

Replying to the first objection regarding the souls of the damned, the Dominican distinguishes four ways in which a substance can be in a place: naturally and not voluntarily (for example, heavy bodies), voluntarily and not naturally (for example, angels when they are here below), naturally and voluntarily (for example, the blessed spirits in heaven), and lastly, neither naturally nor voluntarily. It is to this last category that the souls of the damned belong. However, by what power they are retained there (since they are there only by force), Fishacre does not know, suggesting only that it may be the same power that suspends water in clouds, that is, above their natural place. Alternatively — Fishacre also hesitates to assert this — there may be a bonding between the damned spirits and the fires of hell, which is yet not altogether like the composition of body and soul in man. Thus it would be divine power that effects the bond and by the latter would they be forcibly detained.²³

20 pp. 44-45.

21 pp. 45-46.

22 p. 46.

23 pp. 46-47.

Responding to the second objection, that the beatitude of the angels is diminished when they are apart from their natural place, Fishacre posits a distinction between grace and nature. In the angels the latter is ennobled and as it were absorbed in its entirety by the former. Therefore, they delight more in the works of grace (for example, coming here below in response to the divine will) than in remaining in heaven in accordance with their nature. Nor is this contrary to their nature. There are indeed in the angels not contrary appetites but appetites for two things that are not compossible (that is, to be in heaven and here below at the same time). But the one appetite belongs to nature, the other to the informed will.²⁴

Resuming his original division of the text, Fishacre raises the third possibility, namely, that it is solely by virtue of his glorified body that Christ could have ascended. In support of this option the Oxonian marshals thirteen arguments, punctuated occasionally by objections to which he then immediately replies. To the nobler body, runs the first argument, belongs the higher place; but the body of Christ is noblest; therefore, and so on.²⁵

According to this line of reasoning, one objects, the sun would be higher than all the stars (on the Aristotelian supposition that the sun is nobler). As a consequence of this absurd situation, the empyrean, that sphere of the heavens above the stellar sphere, would be occupied by a body, namely, the sun, and there would then be no room there for the body of Christ.²⁶

He answers the objection by affirming the truth of his original proposition with respect to those heavenly bodies whose sole function is ornamental; it may be the case, however, that the proper working of the universe as a whole should dictate a different arrangement. Perhaps, he suggests, the sun is endowed by nature with a greater appetite for a *locus medius* than for the supreme position to which its nobility entitles it. The objection in any case is clearly not relevant to the body of Christ.²⁷

His second argument is that the heavens were made for man, including his body, and according to Sacred Scripture are in his service. But this servitude

24 To illustrate this distinction he cites the example of Christ's agony before his death. The meaning seems to be that the two appetites are not divided against themselves, just as Christ's flesh, which willed not to die, did not in fact desire anything in opposition to the spirit (which willed the death of the body), 'because the spirit willed that the flesh should so will'. Or, Fishacre continues, it could be said that just as the deity, which has power over the humanity in Christ, permits it sometimes to sleep, to suffer, and in general to perform human acts, so also the informed will enjoys such sovereignty over the nature joined to it that it can temporarily disallow the functioning of its proper act (e.g. that it actually desire, rather than avoid, the wood of the cross). Such an act is not contrary to nature, but above it (pp. 47-48).

25 p. 48.

26 *ibid.*

27 *ibid.*

should extend even to physical location. Therefore, man's natural position is above the heavenly bodies.²⁸

His third argument is particularly obtuse. Heaven is the natural dwelling place of the soul. Some souls, however, are brought there by violent means,²⁹ since man is capable of killing himself. Is it not reasonable to suppose, Fishacre asks, that the earthly substance can dwell in heaven naturally (in opposition to 'violently') and also move there naturally?³⁰

Fourthly, there is a greater difference between spirit and body than between one body and another. But the spirit dwells in the body naturally. Therefore, *a fortiori* a body should be able to inhabit another body — specifically the glorified body should be capable of dwelling in the celestial body.³¹

To these last arguments the following objection is raised. If the natural place of the entire earth is the same as for that of a single clod, and if the clod of earth which is the body of Christ is naturally on high, so too will be the entire earth — at least when it will have been glorified.³²

Fishacre responds by stating that the proposition (which is, in fact, Aristotle's) is true only of a clod or atom of earth not united to another and especially to a nobler nature (as is the case with earth in the body of Christ). Also in the glorified human body the weight of the earthly element will be removed, which may not be true of the entire glorified earth — in which case their place will not be the same.³³

The following eight arguments proceed in similar fashion and cause no particular difficulty. The thirteenth argument (in support of the Ascension taking place by virtue of the body) is, however, somewhat convoluted. Fishacre establishes first that the universe consists of four concentric spheres: earth, air, the stellar heaven, and the empyrean. The phrase 'heaven and earth' is frequently used by the sacred writers to signify every creature,³⁴ for 'heaven' is three-tiered (air, stars, and the empyrean). There is, moreover, a hierarchy among the bodies that adorn the universe, the opaque being the less noble, the luminous the more

28 pp. 48-49.

29 Literally 'this violence someone inflicts on it (i.e. the soul)'; I suspect the text is corrupt here, the original positing the opposition between *anima/infernum/violencia* and *corpus/celum/natura*. Thus, 'if the soul can be borne to hell by violent means (i.e. suicide), *a fortiori* the body can be borne to heaven by natural means'. This is merely a conjecture, and I have found no parallel text in the Sentence-Commentary to support it.

30 p. 49.

31 *ibid.*

32 *ibid.*

33 *ibid.*

34 In the Pentateuch alone see e.g. Gen 1:1, 2:1, 2:4, 14:19, 14:22, 24:3; Ex 20:11, 31:17; Deut 4:26, 30:19, 31:28.

noble; within these categories, furthermore, the inanimate is less noble than the animate, such that the following classification results: opaque inanimate substances ornament the earthly sphere, opaque animate the air, luminous inanimate the stellar heaven, and therefore, by extrapolation, luminous animate substances (including especially the glorified body of Christ) adorn the empyrean heaven.³⁵

In addition, just as the star is borne upward naturally, so also is the glorified body, because, as Augustine has it, God removes gravity from the elements composing such a body. Remembering, however, that fire is one of those elements, and that fire by nature is light, Fishacre adds that though Augustine is silent on this point, if the glorified body retains its fiery element, it will ascend naturally at least as far as the outer limit of the fiery sphere (i.e. the stellar heaven). Because fire in the glorified body has been ennobled above the nature of the stellar heaven, moreover, it will ascend still higher ('just as if God were to make a nobler heaven above the stellar heaven, and each were to be light because made of fire, thus the nobler heaven would naturally ascend still higher if it were below').³⁶

Even if both lightness and heaviness are removed from the glorified body, Fishacre continues, it still retains a natural appetite for that which is in keeping with its nobility, namely, the highest position and one which contains the noblest being, and barring any impediment will be carried thence by its natural appetite. To illustrate this latter he chooses the example of fire, which here below has no natural figure, but only a 'pineal' figure. In its proper sphere fire derives its round or spherical configuration from the heaven which contains it, or, if fire is itself a heaven, it naturally has a spherical figure. But because it has a natural form which seeks that which is in keeping with its nature, it gathers itself together now into a penetrative figure (that is, the cone-shaped figure in which fire now appears), by which it seeks to penetrate to a higher place.³⁷

The conclusion Fishacre draws from all of this is that Christ could have ascended either by virtue of his divinity by itself, or by virtue of his soul by itself, or by virtue of his body by itself. Granting the possibility of any of the above options, the Dominican now asks by what power Christ did in fact ascend. The objection is posed that it could not have been by all three powers simultaneously, for no action is common to God and creature. He answers by reminding his putative interlocutor that the action of ascending could have been an *actum* (that

35 p. 51.

36 pp. 51-52. Cf. idem: 'Dicit Aristoteles in libro celo et mundo, loquens de loco super celum stellatum quem ibi frequenter uocat locum spirituum sic' (2 *Sent.* 2; Cambridge, Gonville and Caius Coll. MS. 329/410, fol. 128vb and Oxford, Balliol Coll. MS. 57, fol. 82rb).

37 p. 52.

is, something done) on the part of God and an *actio* on the part of the creature (that is, Christ's soul and body) simultaneously; hence possible.³⁸

In typical scholastic fashion Fishacre argues in the first place that Christ did not in fact ascend by virtue of his body alone. Presenting arguments for the opposition, he says that it could be demonstrated that Christ ascended by virtue of his body, if he were borne on high instantaneously — which seems to be the case. First, if a stone were on high and the medium were a vacuum, it would fall instantaneously owing to the total lack of resistance; but nothing between earth and the empyrean could offer any resistance to the rarefied nature of Christ's glorified body; therefore, and so on. Secondly, light travels instantaneously owing to its subtlety; but the glorified body of Christ is subtler than light, which is evident because light finds resistance in doors and walls (whereas the risen Christ penetrated these³⁹); therefore, and so on.⁴⁰

Arguing the contrary position, Fishacre formulates the following syllogism: Christ did not ascend by virtue of his body unless he did so instantaneously; but he did not ascend instantaneously; therefore, he did not ascend by virtue of his body. In support of the minor premise the Oxonian argues that in instantaneous motion there is 'prior and posterior' with respect to nature, but not to time; the senses, however, cannot perceive prior and posterior with respect to nature, but only with respect to time. But Scripture clearly attests that the disciples 'watched' him ascend.⁴¹ Therefore, he did not ascend instantaneously and therefore, not by the power of his body alone.⁴²

Was Christ's divinity then in fact responsible for his ascension? Fishacre finds three arguments against such a thesis. First, Christ's ascension ought to arouse our own hopes of ascending to our eternal reward; however, we will not ascend by virtue of the Godhead conjoined with our nature, but by virtue of our soul; therefore, Christ ascends by the same power. Secondly, every motion takes place only with some resistance of the *mobile* to the *motor* or of the medium to the *mobile* or from both of these; but no finite power can offer any resistance to an infinite, indivisible *motor*. Therefore, just as in the case of the instantaneous fall of the stone through a vacuum, if Christ ascended by virtue of his divinity, such ascension would be instantaneous (the possibility of which has already been discounted). Lastly, local motion can be predicated only univocally; but if God moved a body locally, he would share a category in common with a creature, which is impossible; therefore, and so on.⁴³

38 p. 52.

39 See Jn 20:19.

40 pp. 52-53.

41 'Cumque intuerentur in caelum euntem illum ...' (Ac 1:10).

42 p. 53.

43 *ibid.*

To the second and third objections Fishacre has a response. The need of resistance for motion to take place obtains only for natural motion, not voluntary motion (which would be the case with a divinely caused ascension). Univocal predication, moreover, is avoided by once again positing the distinction between *actus* (predicated of God) and *actio* (predicated of the creature); only the latter is an accident, the former being identical with God's very being.⁴⁴

Fishacre thus seems most inclined to the third option, namely, Christ's ascending by virtue of his soul. Motion, he asserts, is either natural, voluntary or forced; but voluntary procession is solely from the soul. Since the Ascension, however, was gradual (again the authority is the text from Acts⁴⁵), it evidently took place by virtue of the soul.⁴⁶

Opposing arguments are presented as follows: gradual motion requires resistance; must we suppose, therefore, that Christ increased the density of air, fire, and heaven itself (as he once did that of the sea⁴⁷) so that he could ascend gradually? Such does not seem to be necessary, replies Fishacre, since no resistance (in howsoever solid a body) can be found to the glorified body.⁴⁸

Tentatively (and characteristically) Fishacre offers his conclusion that Christ's gradual ascension took place either by virtue of the soul alone or by virtue of the composite of soul and body, such that the soul or the divinity would have retarded the instantaneousness (*subitatio*) with respect to the body.⁴⁹

In the final analysis, however, the matter exceeds the capacities of human knowledge, as the Lombard says in his gloss on the Psalm text 'Et ascendit super cherubim'.⁵⁰ In fact, according to Peter Lombard's gloss on another Psalm, it would seem that it was by virtue of Christ's divinity that he ascended. Neither can Fishacre find anything conclusive to say about the gradual nature of the Ascension.⁵¹

Finally, posing a new question, the Dominican asks in what direction Christ ascended. Scripture seems to offer contrary views, that is, toward the east and toward the west. After considering several alternate views offered by the Lombard, Fishacre concludes the *quaestio* by suggesting a literal interpretation based on one of the suppositions of contemporary geography: namely, that Jerusalem (the site of the Ascension) occupies the midpoint between east and west in the belt or climate of the earth which we inhabit. When the sun makes its daily cir-

44 p. 54.

45 Ac 1:10.

46 p. 54.

47 See Mt 14:25; Mk 6:48; and Jn 6:19.

48 p. 54.

49 *ibid.*

50 Ps 17:11.

51 p. 54.

cuit, it is setting for those living in the east at the same time as it is rising for those in the west. If, therefore, Christ ascended straight upward from the mid-point (Jerusalem), he would be ascending toward the west for those living in the east and ascending toward the east for those living in the west.⁵²

Curiously, Fishacre never cites Aristotle or his works by name in spite of his frequent and often unassimilated borrowings from the *Physics* and the *De caelo*. Since, moreover, he is generally conscientious about citing his sources — and, in fact, refers *nominatim* to Aristotle and his works with some frequency in the Sentence-Commentary — we must assume that the omissions were by design. Possibly, to suggest an explanation, Fishacre felt that the Aristotelian propositions that were being appealed to were so familiar to his audience that there was no need to mention their author and no advantage in so doing, since in these matters Aristotle did not possess the authority of an Augustine (who, incidentally, is cited a dozen times).

What in conclusion can be said of the present question? To be sure, Fishacre only imperfectly understood a scientific analysis that even at best remained the weakest and least developed branch of Aristotelian science. Indeed, at times his incomplete assimilation of the new science led the Oxonian into quite wrong-headed conclusions: his contention, for example, that on the Last Day human bodies will ascend of their own accord, the original quantum of matter (Adam's seed) having been expanded to such a volume (the entire human race) that the inversely proportioned density will have become rarer than air or even fire.⁵³

To the Dominican theologian reading the *Physics* and the *De caelo*, however, the doctrine of the Ascension must have naturally suggested itself as a test case for the viability of the new science, as the doctrine of the angels was destined to play a like role in the hylemorphic debates a few years later. Conversely, the Aristotelian categories of natural place and natural motion, gravity, levity, and velocity apparently struck Fishacre as a novel and fruitful means of explicating a central tenet of the Creed. At any rate the question on the Ascension provides further evidence of Fishacre's involvement with the physical sciences,⁵⁴ an involvement which earned Matthew Paris' commendation of him as pre-eminent 'in theology and in other sciences'.⁵⁵

⁵² pp. 54-55.

⁵³ p. 50.

⁵⁴ For Fishacre's use of the new science to explicate a theological question see also W. H. Principe, 'Richard Fishacre's Use of Averroes with Respect to Motion and the Human Soul of Christ', pp. 349-60 below. I had not seen this study by the time my article went to press, but the author assured me that his conclusions reinforce my own.

⁵⁵ *Chronica majora*, ed. H. R. Luard (RS 57.5; London, 1880), p. 16. One should, however, be wary of pushing Fishacre's Aristotelianism too far; see F. Pelster, 'Das Leben und die Schriften des

That Fishacre answered the problems posed by Aristotle by appealing to St. Augustine, moreover, is not in the least surprising. His vision was still informed by traditional Christian Platonism and in that tradition Augustine remained the authority par excellence. Fishacre, to borrow his own imagery, was willing to entertain a dalliance with the handmaiden, science, but was loath to tarry in her chambers. The queen was waiting, and it was by her that Fishacre desired to bear fruit.

THE MANUSCRIPT AND EDITION

Only one copy of Fishacre's *quaestio* on the Ascension is extant: Vatican MS. Ottob. lat. 294, fols. 294vb-296rb.⁵⁶ The same codex also contains a copy of Fishacre's *Commentarium in libros Sententiarum* (fols. 1r-286v), ending with book 4, distinction 8, and also an untitled and anonymous work containing *adnotationes* on Augustine's *De haeresibus* (fols. 287r-294v). The latter is probably also from the pen of Fishacre.

The manuscript is of English origin, in a small hand and more than usually abbreviated. It has page, column, and line numberings in fives — the latter a peculiarity of a mid-thirteenth-century Oxford scriptorium which serves to identify the earliest Fishacre manuscripts.⁵⁷ Judging from its script, its line numberings, and especially its affinity with Paris, Bibliothèque Nationale MS. lat. 16389, thought to be copied during Fishacre's lifetime,⁵⁸ I would date the manuscript to the third quarter of the thirteenth century.⁵⁹

Oxford Dominikanerslehrers Richard Fishacre (d. 1248)', *Zeitschrift für katholische Theologie* 54 (1930) 538. In discussing Fishacre's philosophical position Gilson remarks: '... the question arises whether Aristotle himself would have been able to understand the meaning of his main positions' (*History of Christian Philosophy in the Middle Ages* [New York, 1955], p. 354).

56 The verso side of fol. 296 is free of text, suggesting that the question is complete. The manuscript is described in *Inventarium codicum MSS latinorum Bibliothecae Ottobonianae* 1.294; F. Ehrle, 'L'agostinismo e l'aristotelismo nella scolastica del secolo XIII', *Xenia Thomistica* 3 (1925) 553; Pelster, *ibid.*, 526-27; and Long, 'Science of Theology', 77. It was first identified by A. Landgraf in *Das Wesen der lässlichen Sünde in der Scholastik bis Thomas von Aquin* (Bamberg, 1923), p. 105.

57 This unusual device is shared by five manuscripts containing Fishacre's Sentence-Commentary. See Pelster, *ibid.*, 522.

58 This Sorbonne manuscript, which ends with dist. 3 of book 2, contains the following petition on fol. 90v: 'Rogo te, lector, quisque es, ut roges Deum pro fratre Richardo de Fixacre, qui hoc opus edidit, ut eum Dominus nunc et semper in anima custodiat et in corpore vires prebeat, ut residuum operis ad finem prospere perducat. Amen.' The writer of these lines apparently believed Fishacre to be still alive; hence we may affix a pre-1248 date to the codex. See Long, 'Science of Theology', 77.

59 Ehrle without further explanation places the manuscript in the fourteenth century ('L'agostinismo', 553).

Since the manuscript is unique, I decided to preserve as faithfully as possible the orthography of the scribe, including the inconsistencies (e.g. *ignis* and *ingnis*). Whenever the spelling was so unusual or strange in appearance as possibly to engender confusion, I noted the more usual spelling in the apparatus (e.g. *opagum* for *opacum*). It will be noted that *tia/tio* becomes *cia/cio* following *i* or a liquid (e.g. *resistencia*). The punctuation and capitalization are mine.

I have emended with reluctance, and then only when I felt it necessary in order to preserve the sense. Obvious omissions and dittographies I have corrected in the text without further explanation by the use of pointed and square brackets, as follows:

< > signifies letters or words to be added;

[] signifies letters or words to be omitted.

I wish to acknowledge my gratitude to the Fulbright Commission for enabling me personally to study the manuscript at the Vatican Library and to Fairfield University for a grant covering the preparation of the article.

RICHARD FISHACRE,
<DE ASCENSIONE CHRISTI>

(f. 294vb) Quesitum fuit de ascensione: qua uirtute Christus ascendit? Et primo utrum uirtute solius deitatis potuit ascendere. Et patet quod sic. Si enim illa manus Dei, scilicet Filius Dei, *tribus digitis appendit mo[bi]lem terre* (Is 40^a), quanto magis corpusculum assumptum? Num 11: *Numquid manus Domini inualida est?*^b Luc: *Non¹ erit impossibile apud Deum omne uerbum.*^c

Quod autem uirtute anime, probatio. Nobiliori creature debetur locus superior. Ergo omni anime rationali debetur naturaliter locus supremus.^d Sed fertur unumquodque ad locum suum non prohibitum.^e Ergo et cetera.

Item angelus² et anima natura sunt pares.^f Ergo et locus naturalis eis par aut idem. Sed angelorum locus est celum. Ergo et animarum.^g

Item quod omnibus inest, naturale est, ut dicit Augustinus.^h Sed appetitus illius (f. 295ra) bone³ habitationis omnibus inest. Ergo est naturalis. Ergo secundum

^a Is 40:12.

^b Num 11:23.

^c Lc 1:37.

^d Cf. Fishacre: 'Item materia et sua per se forma proporcionantur ita ut nobilioris materie sit nobilior forma et e converso. Sed forma corporis humani est nobilissima, scilicet anima rationalis. Ergo ipsum est nobilissimum. Ergo naturaliter ei debetur locus supremus' (2 *Sent.* 14; Cambridge, Gonville and Caius Coll. MS. 329/410 (= C), fol. 188rb and Oxford, Balliol Coll. MS. 57 (= B), fol. 109ra).

^e Cf. e.g. Aristotle, *De caelo* 1.8 (276a23-28).

^f Cf. Augustine, *De libero arbitrio* 3.11 (CCL 29.294): 'Animae sunt enim rationales, et illis superioribus officio quidem impares sed natura pares'.

^g Cf. Fishacre: 'Quorum est eadem natura, idem est locus naturalis. Sed anime rationalis et angeli est eadem natura, quia, ut dicit Augustinus, sunt natura pares et officio dispare. Ergo eorum est idem locus naturalis. Sed locus omnis compositi naturalis est locus naturalis predominantis in ipso. Ergo cum homo compositus sit, et in eo pars predominans sit anima, locus totius hominis naturalis est locus anime; sed locus anime, ut ostensum est, celum est. Igitur et locus totius hominis naturalis celum est' (2 *Sent.* 14; C. fol. 188ra and B, fol. 109ra).

^h In his Sentence-Commentary (see i below) Fishacre gives as his source the *Unde malum*, the title under which the first book of the *De libero arbitrio* was known in the Middle Ages; I was unable, however, to locate the source of this quotation.

1 bene MS.

2 augustinus MS.

3 bene MS.

illum appetitum motus ad illum locum naturalis erit et illuc feretur nisi prohibeatur.ⁱ

Item que tantum corpora sunt, ut mineralia, habent naturalem posicionem in infima⁴; que coniuncta⁵ ex corpore et spiritu, in media, ut in superficie terre, in aqua, in aere, et in celo. Stelle animate secundum ethnicos angelique in medium uenientes induunt corpora. Ergo naturalis posicio spirituum nudorum erit in supremo. Ergo illuc naturaliter feruntur nisi prohibea<n> tur.

Sed numquid potest corpus glorificatum cui est colligatum inpedire? Patet quod non. In⁶ Christo glorificato corpus omnino subditur⁷ spiritui.⁸ Alioquin si haberet corpus inclusionem deorsum et anima sursum, iam non esset Christo plena quies uel habitudo, et fieret aliquando separatio corporis et spiritus. Quia nullum uiolentum⁹ eternum, et nullus appetitus naturalis eternaliter [cum] frustra,^j ergo ubique¹⁰ uolet spiritus, ibi statim erit corpus, quod et dicit Augustinus.^k

Item spiritus glorificati Christi est in ultimitate sue potencie et uirtutis.¹¹ Et <uirtus> corporis glorificati in Domino ad deorsum est aut¹² minor quam fuit aut nulla. Ergo uincet super corpus nec inpedietur ab eo.

Item anima corpus graue tam sanum et bene dispositum facilius mouet quam idem macilentum et leue et infirmum, ut dicit beatus Augustinus,^l et patet. Sed

ⁱ Cf. Fishacre: 'Item cum absque hesitatione anime locus naturalis sit celum, habet naturalem celi appetitum, cuius indicium est manifestum, quod omnibus insitus est appetitus celi. Quod autem inest omnibus est naturale, ut dicit Augustinus in libro *Unde malum*. Igitur anima humana naturaliter appetit locum supremum, qui si non esset naturalis corpori nostro, accideret hominem numquam fore plene beatum, quia si corpus nostrum ibi non erit, non habet anima suum appetibile, scilicet locum suum naturalem' (2 *Sent.* 14; C, fol. 188rb and B, fol. 109ra).

^j Cf. Aristotle, *De caelo* 1.4 (271a33). Cf. also Fishacre: 'Item locus naturalis corporis Christi est celum. Alioquin cum locus naturalis anime eius sit celum, concupiscet caro eius etiam contra spiritum, quia caro naturaliter appeteret locum suum naturalem, et tunc Christus miser esset. Sed idem est locus naturalis eius corporis et nostri, quia de nobis carnem accepit, sicut idem est locus naturalis totius terre et unius glebe. Igitur corporis nostri naturalis locus est celum' (2 *Sent.* 14; C, fol. 188rb and B, fol. 109ra).

^k 'Certe ubi uolet spiritus, ibi erit protinus corpus' (*De ciuitate Dei* 22.30; CCL 48.862).

^l ibid. 13.18 (CCL 48.400). Cf. Fishacre: 'Item spiritus honera non sentit, ut probat Augustinus sic: corpus sanum et pingue, licet multo maioris ponderis sit quam corpus macilentum et macrum, tamen ipsum anima supra modum facilius portat et ad nutum mouet anima hoc quam illud. Quomodo hoc esse posset si pondere spiritus grauaretur?' (4 *Sent.* 47; C, fol. 530vb and B, fol. 350rb).

⁴ infona MS.

⁵ coniuncta; this spelling occurs regularly.

⁶ An MS.

⁷ The scribe seems to have written *subdiuiditur*, then corrected it by expunction to *subditur*.

⁸ spiritum MS.

⁹ uiaticum MS.

¹⁰ utique MS.

¹¹ ueritatis MS.

¹² ante MS.

Christi anima glorificata est robustissima, et corpus gloriosum in fine sanitatis et bone disposicionis. Ergo facillime mouebit quo uult.

Item angeli assumunt corpora corruptibilia et hec mouent facillime; sed non est anima Christi glorificata quouis angelo inpotencior, immo omnibus potencior, et corpus eius glorificatum corpore ab angelo assumpto nobilius et mobilius.¹³ Ergo multo forcius et cetera.

Item Dan 14: tulit [tulit] angelus Abacuc facillime a Iudea in Babilonem cum panibus et pulmento que omnia erant grauia.^m Nec est anima Christi illo angelo inpotencior, et eius corpus illis leuius. Ergo et cetera.

Item nunc potest corpus animam¹⁴ natura celestem deprimere inferius dum neutrum gloriosum. Quare non poterit tunc anima leuare corpus sursum cum utrumque erit gloriosum¹⁵?ⁿ

Item uirtute corporis celestis, que est uirtus corporis, aqua suspenditur in nubibus. Quare non uirtute spiritus naturaliter celestis corpus gloriosum aqua leuius eleuet<ur> sursum?^o

Item ignis propter naturalem adherenciam cum graui combustibili fertur et manet deorsum. Quare non¹⁶ corpus propter naturalem coherenciam¹⁷ cum spiritu feratur et maneat sursum?^p

Item si possunt spiritus auium sua corpora non gloriosa eleuare in celum aereum, quare non anima Christi corpus leuius in celum empireum?^q

Contra. Uidetur quod anime male descendant in infernum. Hoc aut est propter culpe pondus, que nichil est, aut propter illatam uiolenciam. Sed cuius? Non demonum. Quis enim et demonibus hanc facit uiolenciam cum et ipsi descen-

^m Dan 14: 32-35.

ⁿ Cf. Fishacre: 'Item si potest corpus terrestre animas deprimere deorsum, non poterit aliquando anima corpus leuare sursum?' (4 *Sent.* 47; C, fol. 530vb and B, fol. 350rb).

^o Cf. idem: 'Item si opere nature aqua suspenditur in nubibus super aerem, quomodo opere creatoris nature non poterit corpus humanum habitare super celum?' (ibid).

^p Cf. idem: 'Item secundum Platonem idem est spera ignis et celum. Si igitur potest corpus ignis, scilicet corpus celeste, esse in terra ut hic nobiscum per adherenciam cum sua materia, cuius ponderis uirtus uincit super ignis leuitatem, immo in profundissimo terre, ut in inferno, et non poterit corpus terrestre esse in celo propter adherenciam cum anima, cuius uirtus uincit supra pondus corporis?' (ibid).

^q Cf. Augustine, *De ciuitate Dei* 22.11 (CCL 48.829). Cf. also Fishacre: 'Qui per pennarum leuitatem donauit auium terrenis corporibus ut portentur in aere (etc.)' (4 *Sent.* 47; C, fol. 530vb and B, fol. 350rb).

13 nobilius et mobilius: nobilior et mobilior MS.; an example of perseveration (see 'in-potencior ... potencior' above).

14 anima MS.

15 gloriosus MS.

16 quare non: qualiter omnino MS.

17 choerenciam MS.

dant? Nec bonorum angelorum; tunc enim eternaliter aliqui essent in inferno ad detinendum demones et animas ibi. Ergo per naturam aut propriam uoluntatem. Sed non hoc. Ergo propter naturam.

Item si naturalis appetitus angelorum est esse in celo, tunc cum angeli exeunt a celo, minus gaudent quia contra appetitum naturalem exeunt.

Solutio. Dupliciter dicitur locus alicui naturalis, scilicet uel quia istud locatum habet formam naturalem qua inclinatur et appetit illum (f. 295rb) locum — et sic elementa sunt naturaliter in suis locis et feruntur ad ea — uel quia habet formam naturalem qua appetit omne congruum sue nature ut decens et expediens sue nature — et sic auis naturaliter fertur ad nidum suum et naturaliter a nido ad colligendum cibum pro tempore.

Sic dico — non tamen asserendo, sed magis mihi uidetur — quod spiritus habet naturaliter sibi deputatum locum supremum, quia habet formam suam naturalem qua appetit omne congruum sue nature. Et locus supremus talis est et ratione posicionis, quia nobilior est situs superior quam inferior, et ratione corporis ibi positi, scilicet substance celi empirei, que est corpus nobilissimum¹⁸ inter corpora continencia. Non¹⁹ tamen est uerum²⁰ quod habeat spiritus rationalis specialem formam qua feratur ad illum locum uel inhabitet sicut terra, sed qua appetit omne quod uidet sue nature congruere.

Cui concedenti²¹ mihi uidentur (non tamen assero) supradicte rationes probantes quod est naturalis locus ille spiritibus rationalibus.

Item rationibus affirmantibus quod corpus glorificatum non inedit spiritum assencio. Augustinus, *De ciuitate Dei* lib. 22: 'Poterit Deus graue pondus auferre, ut in eodem elemento habitet uiuificatum corpus, in quo uoluerit uiuificans spiritus.'²²

Ad obiectum contra dicebat quod eorum²³ que sunt in loco, quedam sunt naturaliter in loco et non uoluntarie, ut corpora graua;²³ quedam uoluntarie et non naturaliter, ut angeli boni aliquando sunt hic nobiscum; quedam naturaliter et uoluntarie, ut spiritus beati in celo; quedam non naturaliter nec uoluntarie, ut demones in inferno et dampnate anime, qui quia noluerunt tenere ordinem, ut dicit Augustinus, tenentur ab ordine.⁵

¹⁸ Augustine, *ibid.* (830).

¹⁹ *idem*, *De musica* 6.14 (PL 32.1187).

18 nobilissimus MS.

19 nam MS.

20 uno MS.

21 concedente MS.

22 torum MS.

23 glaria MS. (possibly an error of oral transmission)

Sed qua ui teneantur dampnati²⁴ spiritus in inferno, nescio. Dici tamen posset, nisi aliquid melius uideatur, quod illa uirtus detinet uiolenter illos spiritus naturaliter celestes que detinet aquas uiolenter superius — dico aquas que super celos sunt. Sed aquas detinet sursum quia forte expedit et spiritus tales deorsum quia decet et congruit. Licet enim deformes sint, tamen ornare possunt illam uilem habitationem et penalem, sicut latro ornat carc<er>em, ut dicit Augustinus, *De libero arbitrio*,^t et eadem ui possunt detineri in illis ingnibus²⁵ qua ille ingnis in loco infimo.²⁶ Uel aliter (quod nec assero) dicit Augustinus, *De ciuitate Dei* lib. 21: 'Adherebunt spiritus incorporei corporeis ingnibus cruciandi meris et ineffabilibus modis, accipientes ex ingnibus penam, non dantes ingnibus uitam.'^u Sic ergo uidetur quod aliqua sit colligatio spiritus dampnati cum illis ingnibus, licet non talis omnino qualis est anime cum corpore. Et tunc, ut uidetur, posset dici quod ministerio demonum illuc ueniunt et ibi uirtus diuina colligationem hanc facit cum illis ingnibus et ita uiolenter ibi per similem colligationem detinentur.

Ad hoc quod dicis quod naturaliter sunt angeli in celo, uiolencia fit eis et minuitur eorum gaudium cum huc ueniunt, respondeo: Duo sunt: gratia uel uirtus, et natura. Et opus gratie uel uirtutis non est uiolentum nec nature, sed secundum naturam et supra naturam²⁷ ad eius melior<itat>em. Dici ergo potest quod in angelis est natura et gratia, et natura illa tota quasi absorta²⁸ a gratia est. Et ideo potest gratia super naturam, et ideo plus deletantur²⁹ in operibus gratie ut atemperando diuine uoluntati huc ueniendo quam prout congruit sue nature (f. 295va) illic manendo. Et ita huc uenire et non est contra naturam sed potius secundum naturam sicut opus uirtutis. Qui³⁰ appetit illic manere quia congruit sue nature, appetit pro tempore huc uenire quia uidet Deum hoc uelle, et quia plus potest in eis amor Dei quam sui, mauult huc uenire cum uidet Deum hoc uelle quam illic manere. Et sicut non est ui<o> lencia nec contra naturam quod amat Deum plus quam se, sic nec opus ab amore egrediens et per hoc essent in angelis huc uenientibus appetitus non contrarii sed duorum impossibilem,³¹ scilicet

^t idem, *De libero arbitrio* 3.9 (CCL 29.292).

^u idem, *De ciuitate Dei* 21.10 (CCL 48.776).

24 dampnari MS.

25 ignibus; this spelling is by far the more common.

26 infinto MS.

27 secundum materiam et supra materiam MS.

28 absorpta

29 delectantur

30 cui MS. (an error of oral transmission)

31 impossibilem MS.

esse ibi <et esse hic>. Sed unus est nature et alter est uoluntatis informate.³² Nec sunt hec diuisa contra se propter hoc quia uoluntas informata uult quod natura hoc uelit quod uult, sicut caro Christi, que noluit³³ mori, non tunc cupiscit³⁴ aduersus spiritum^v qui uoluit carnem mori, quia spiritus uoluit carnem sic uelle.

Uel posset dici, sicut uidetur dicere Damascenus^w et Crisostomus^x de Christo, quod deitas que potuit super Christi humanitatem nunc permitebat eam somni<a>re et pati et agere humana, nunc autem non. Sic uoluntas informata si potest super naturam sibi iunctam intantum ut actum suum ad tempus non sinat agere, scilicet appetere illud lignum³⁵ tunc esse, hoc non est contra naturam sed supra naturam.

Quod autem uirtute corporis solius glorificati potuit ascendere uidetur, quia nobilior<i> corpori debetur locus superior.^y Sed corpus Christi nobilissimum. Ergo ei debetur locus suppressus.

Contra. Secundum hanc rationem esset sol superior omnibus stellis. Item cum locus suppressus [sic], scilicet celum empireum, sic plenus corpore esset, sic corpus Christi et extra empireum.

Sed respondeo: prima est uera in corporibus ornantibus³⁶ ad inuicem, ut in speris, [et in corporibus ornantibus ad inuicem] nisi utilitas contrarietur uniuerſi. Forte enim soli est inditus³⁷ naturaliter maior appetitus loci medii propter utilitatem uniuerſi quam loci suppressi³⁸ propter suam nobilitatem — quorum nullum inpedit rationem de corpore Christi.

Item nobilius non fit propter innobilius. Sed celum et stelle sunt propter hominem, etiam propter corpus. Deu 4: *Ne forte uideas solem et lunam et uniuerſas stellas quas creauit Deus in ministerium cunctis gentibus.*^z Igitur non seruiendum sideribus sed ipsa potius³⁹ seruiunt nobis. Ergo cum ministrorum sit⁴⁰ etiam

^v Cf. Gal 5: 17.

^w John Damascene, *De fide orthodoxa* 58.5, trans. Burgundio of Pisa, ed. E. M. Buytaert (St. Bonaventure, N.Y., 1955), p. 217.

^x I was unable to find this reference in any of Chrysostom's authentic works; Fishacre is here most likely paraphrasing from a secondary source.

^y Cf. Aristotle, *De caelo* 2.13 (293a30-32).

^z Deut 4: 19.

32 informare MS.

33 uoluit MS.

34 cupit ac MS.

35 illud lignum: illum linum MS.

36 ornans MS.

37 indicas MS.

38 suppressum MS.

39 post MS.

40 sic MS.

localiter subesse, Dominus: *Nisi sicut paruuli*,^a secundum illud Gal 4: *Quanto tempore heres paruulus est, non differt a seruo, cum sit dominus omnium; sed sub tutoribus*⁴¹ *et a[u]ctoribus est usque ad prefinitum tempus a patre*.^b Sed si nobilius, naturaliter superius.

Item anima, cum sit quiddam celeste, detinetur naturaliter in celesti habitatione, non uiolenter. Quidam hanc ei infert uiolenciam, cum possit homo se ipsum occidere. Quare ergo non potest terrenum naturaliter habitare in celo, et sic mouere potest illud⁴² naturaliter?

Et maior est differentia corporis ad spiritum quam corporis ad quodcumque corpus, et habitat spiritus in corpore naturaliter. Quare non potest naturaliter <habitare> corpus quodcumque in quocumque?^c

Contra hec: 'Idem est locus naturalis tocus terre et unius glebe.'^d Ergo si gle(f. 295vb)ba corporis Christi naturaliter sursum est, et tota terra — saltem cum erit glorificata.

Respondeo. Prima uera⁴³ est de gleba uel athomo⁴⁴ terre non unita alteri et nobiliori maxime qualis est terra in corpore Christi, et si non esset maior glorificatio terre in corpore Christi quam tocus terre erit, tunc idem esset eorum locus. Item idem tocus et partis [idem] est locus, quia in utroque eadem est inclinatio.^e Sed ut uidetur sentire Augustinus in fine precedentis pagine in auctoritate premissa uel ultima[m], auferetur terre in corpore glorificato humano pondus et forte non auferetur hoc toti terre glorificate.^f Et ita non idem locus.

Item uniuersaliter coniuncta sunt grauitas et grossicies uel densitas, ut patet in elementis.^g Et quod est grossissimum uel densissimum est grauissimum. Ergo

^a Mt 18: 3.

^b Gal 4: 1-2.

^c Cf. Fishacre: 'Sed contra eos arguitur multipliciter ibidem ab Augustino (cf. *De civitate Dei* 22. 4 [CCL 48.809-10]): Si potuit Deo agente spiritus, qui est tamen celo nobilior, habitare in terra ut in terrestri corpore, quare non potuit eodem agente non uiolenter cogente corpus terrestre habitare supra celos? Maior enim supra modum est differentia spiritus ad corpus quam unius corporis ad quodcumque aliud. Mirabilis est igitur spiritum habitare in corpore terreno quam corpus terrenum in corpore celesti' (4 *Sent.* 47; C, fol. 530va-b and B, fol. 350ra-b).

^d Aristotle, *Physics* 3.5 (205a10-11).

^e Cf. idem, *De caelo* 1.3 (270a3-5).

^f See n. r above. In fact, this passage is cited on the preceding page of the manuscript (fol. 295r), approximately a third of the way down in the second column. While not precisely 'at the end of the preceding page', this method of cross-referencing suggests a unique copy.

^g Cf. Aristotle, *De caelo* 1.6 (273b3-5).

41 autoribus MS.

42 fort. illuc legendum est.

43 natura MS.

44 achomo MS.

subtillissimum corpus, scilicet gloriosum, cuius des subtilitatem,⁴⁵ erit leuissimum.

Item quanto ex minori fit magus,⁴⁶ tanto factum est subtilius:^h ut si ex pugillo terre fiant centum, factum erit subtilius quam si ex ea tantum X fierent. Igitur cum uera humana caro non fit nisi de semine Adam, illud modicum factum est uehementer magnum. Et erit in die iudicii, cum erunt corpora tot humana completa, nullo addito illi materie seminis Ade, et subtiliora, si computes, quam si essent omnino ingnis uel celum. Ergo cum subtilius sit naturaliter superius, erunt corpora superius et supra celum stellatum. Et sic corpus Christi.

Item quanto leuius tanto mobilius, et quanto ponderos<i>us tanto immobilis, ut patet in elementis. Et ideo spera terre omnino immobilis, cum cetera spere elementorum moueantur. Sed corpus Christi est summe agile propter dotem agilitatis. Ergo summe leue.

Item opagum⁴⁷ infimum, diafonum medium, et luminosa, ut ignis et stelle,⁴⁸ sursum sunt; naturaliter ergo et corpus gloriosum ratione dotis⁴⁹ que est claritas. Unde conparat Appostolus ea⁵⁰ stellis dicens Cor 15: *Alia claritas solis, alia lune, alia stellarum; stella[m] enim a stella <differt> in claritate. Sic et resurrectio mortuorum.*ⁱ

Item ut ponit Plato^j et Basilius,^k 'facit Deus',^l id est aufert ingni urendi qualitatem manente qualitate lucendi, quia lux ingnis emicat per oculos. Sed quare non similiter in elementis potest separare grauitatem aliis qualitatibus manentibus?^m Augustinus, epistola 73: 'Ualet diuina potencia de ista uisibili atque tractabili materia corporum, quibuslibet manentibus, auferre quas uoluerit qualitates.'ⁿ

^h Cf. *ibid.* 3.7 (305b13-16).

ⁱ 1 Cor 15: 41-42.

^j *Timaeus* 45B; probably quoted from Augustine, *De civitate Dei* 13.18 (CCL 48.401).

^k *Homilia in Hexaemeron* 6.3 (PG 29.122).

^l Possibly a reference to Gen 1: 16 ('Fecitque Deus duo magna luminaria'), the text upon which Basil is here commenting.

^m Cf. Fishacre: 'Item si, ut dicit Basilius, Verbo Dei separabitur in igne lux ab ustione et, ut dicit Plato, dii qui hominem fecerunt secundum eum potuerunt separare ab igne urendi qualitatem et lucem relinquere que per oculos emicaret, quare non poterit a resurgentium corporum terra auferre ponderositatem, natura terre remanente?' (4 *Sent.* 47; C, fols. 530vb-531ra and B, fol. 350rb).

ⁿ *Epist.* 205.1 (CSEL 57.326-27).

45 subtilitas MS. (possibly an error of perseveration)

46 maius

47 opacum

48 stellas MS.

49 docis MS.

50 ca MS.

Item uniuersaliter in sacramento altaris est accidens sine omni subiecto. Quare non potest fieri ut subiectum sit saltem sine aliquo accidente, scilicet grauitate?

Item non plus ponderat hostia consecrata quam prius cum fuit non consecrata et constat <quod> pondus in consecrata est non corporis Christi secundum <modum> accidencium; nec est in corpore Christi illud pondus magis quam illa albedo. Ergo cum pondus primum remaneat nec modicum additur ponderi post consecrationem, corpus Christi nullius ponderis est uel potest esse aliquando sine pondere. Quare non ergo in ascensione?

Contra. Eadem ratione uidetur quod non sit leue quia non est aucta leuitas post consecrationem.

Item nullum uiolentum eternum,^o quia si sol eternaliter esset sursum uiolenter, motus contrarius esset ei possibilis et potencia respectu talis motus frustra. Igitur cum corpus Christi sit in celo — et hoc eternaliter — non erit uiolenter. (f. 296ra)

Item omnes spere integre sunt 4, scilicet terre, aeris, celi siderei, empirei. Hinc frequenter dicitur coniuncti<m> 'celum et terra'^p ut comprehendat<ur> 'omnis creatura'. Solum⁵¹ enim triplex est: aereum, sidereum, empireum. Aqua non habet speram, quia non undique tegit terram.^q Unde apud phisicos una⁵² spera reputatur.^r Angelis spera secundum sanctos non est nisi celum. Sunt autem inter ornancia corpora innobilia⁵³ opaga et nobilia luminosa; et opacorum inanimata innobilia quam animata. Prima sunt ornatus terre. Secunda sunt naturalis ornatus aeris. Tercia, scilicet luminosa inanimata, sunt ornatus celi siderei. Ergo luminosa animata sunt ornatus celi empirei. Et sicut stella sursum feretur naturaliter, sic corpus gloriosum, quod, ut dicit Augustinus, auferet[ur] Deus grauitatem elementis componentibus corpus glorificatum.^s Sed utrum leuitatem ingni in eodem corpore non dicit. Si ergo manet in eis leuitas naturalis et nulla grauitas, ascendit sursum naturaliter saltem usque ad locum suppressum spere ignis, et si non est alia spera ignis nisi celum sidereum, usque ad celi siderei suppressum. Et quia ingnis in illo corpore est nobilitatus supra⁵⁴ naturam celi siderei, adhuc ascendet hinc,⁵⁵ sicut si faceret Deus celum nobilius super hoc

^o Cf. Aristotle, *De caelo* 2.14 (296a33-34).

^p See n. 34 (p. 36 above).

^q Cf. Aristotle, *De caelo* 2.4 (287b1-14).

^r Cf. *ibid.* (287b15).

^s *De civitate Dei* 13.18, 22.11 (CCL 48.401, 829-31).

51 i.e. 'the vault' (of the heavens); *fort. celum legendum est.*

52 *fort. uniuersum legendum est.*

53 in hora MS.

54 sic MS.

55 huic MS.

celum sidereum et esset utrum<que> leue quia ingnis, pars celi nobilioris, si esset inferius, ascenderet⁵⁶ superius naturaliter.

Si autem aufert Deus leuitatem sicut et grauitatem, ut nec sit graue nec leue corpus glorificatum, tamen licet non haberet formam qua moueretur sursum sicut nec qua deorsum, habet tamen naturaliter inditum sibi appetitum eorum que congruunt sue nobilitati, scilicet situm⁵⁷ suppreum et continens nobilissimum, et isto appetitu naturali, ex quo nullum impedimentum, feretur sursum, ut mihi uidetur — non assero tamen. Et si stella non est grauiss uel leuis, si esset extra suum locum, consimili appetitu ferretur ad suum locum.

Exemplum est ignis: non habet figuram naturalem^t, maxime⁵⁸ figuram pinealem.⁵⁹ Unde in sua spera non habet figuram sed uel a celo continente[m] rotundam uel, si est celum, naturaliter habet figuram speralem; nunc tamen hic figurat se figura pineali, quia non habet formam naturalem qua sic figuretur (tu<n>c enim sic figuraret ubique). Sed quia formam habet naturalem qua appetit congruencia sue nature, et ideo colligit se in figuram penetratiuam, qua penetret ad locum superiorem.

Sic ergo patet quod uirtute et deitatis per se et anime per se et corporis per se potuit ascendere.

Sed cum uirtute singulorum potuit ascendere ille, queritur qua uirtute ascendit. Non uirtute omnium simul, quia nulla actio Deo et creature communis est. Augustinus, epistola 125: 'Nichil omnino⁶⁰ a duobus idem fieri⁶¹ potest.'^u

Solutio. Illa actio posset esse actio creature et actum Dei. Sermo autem Augustini intelligitur in coequeuis agentibus ex quibus non fiat unum.

Sed probatio quod uirtute corporis, si⁶² ipsum fer<r>etur sursum subito, demonstraretur — quod sic uidetur. Lapis si esset sursum et medium uacuum, fieret lapis deorsum subito propter nullam medii resistenciam.^v Sed nichil inter

^t Cf. Aristotle, *De caelo* 3.8 (306b30-307b26).

^u I was unable to find the source of this quotation. Cf. Fishacre: 'Item, ubi est diuersitas agentium, nisi ex eis fiat unus agens, et diuersitas actorum' (4 *Sent.* 44; C, fol. 515ra and B, fol. 338vb).

^v Cf. Aristotle, *Physics* 4.8 (215b1-6) and *De caelo* 4.4 (313b17-22). Cf. also Fishacre: 'Item ad hoc quod sit motus exigitur necessario aliqua resistencia in moto respectu motoris' (4 *Sent.* 44; C, fol. 518rb and B, fol. 341ra).

⁵⁶ ascendit MS.

⁵⁷ sicum MS.

⁵⁸ fort. magis legendum est.

⁵⁹ literally 'pineal' or 'shaped like a pine cone'.

⁶⁰ oratio MS.

⁶¹ fñ (?) MS.

⁶² quia MS.

celum empireum et terram habet resistenciam ad subtilitatem corporis glorificati propter dotem subtilitatis. Ergo et cetera.^w

Item lux pertransit inde huc subito ratione sue subtilitatis. Augustinus ad Deogratias sacerdotem: 'Radius oculi non cicius peruenit ad propinquiore, tardius ad longinquiore, sed utraque interualla parili celeritate pertingit.'^x Sed corpus Christi gloriosum est hac luce subtilius, quod patet quia lux inuenit in hostio⁶³ uel in alio resistenciam.

Quod non est <uirtute corporis, nisi> corpus Christi subito ferretur de se. Sed Christus non ascendit subito; ergo non ascendit uirtute nature corporis gloriosi. Quod non ascendit (f. 296rb) subito patet, quia in subito non est nisi prius et posterius natura, non <temp> ore^y; et sensus non discernit inter prius et posterius natura sed tempore tantum, ut patet quia non discernit transitum lucis. Nunc autem uisus intuencium apprehendit eius ascensum. Ac: *Cumque intuerentur in celum.*^z Ergo non subito. Quod concedo.

Item non uirtute deitatis quia si eius ascensio in spem ascendendi⁶⁴ suscitare debet^a, restat ut ascenderit eadem qua nos uirtute ascendemus. Sed nos non propter unitam nobis deitatem sed propter animam. Ergo et ipse.

Item omnis motus est ex resistencia aliqua mobilis ad motorem aut medii ad mobile[m] aut ex utroque. Sed uirtutis finite ad infinitum et inpartibilem nulla omnino potest esse resistencia. Quod probari potest per cumentum uirtutis, quia quanto maior uirtus tanto minor resistencia medii, sicut patet in decensu⁶⁵ lapidis par uacuum.^b Ergo si sursum ferretur uirtute diuina, subito sursum esset.

Item cum mouere secundum locum non sit nisi uniuocum, si moueret Deus aliquod corpus, haberet cum creatura predica<men> tum positum unicum et commune — quod est impossibile. Igitur non ascendit uirtute deitatis.

^w Cf. Fishacre: 'Item demonstrat Aristoteles in Phisicis quod quantumcumque spatium uacuum pertransiret lapis in instanti ... et ex hoc concludit si uacui ad plenum est infinita proportio, in infinitum citius pertransibit uacuum quam plenum. Ergo subito. Et causa huius subiti transitus est nulla resistencia medii uacui. Sed cum maxima sit subtilitas in corpore glorificato, patet quod nec in pariete nec in quolibet alio corpore inuenit aliquam resistenciam. Ergo eadem ratione transibit subito' (ibid.).

^x *Epist.* 102 (CSEL 34.548).

^y Cf. Fishacre: 'Sed si corpus esse sic posset ubique in eodem instanti, hoc esset per prius et posterius natura, licet non tempore' (4 *Sent.* 44; C, fol. 518vb and B, fol. 341ra).

^z Ac 1: 10.

^a See Jn 14: 3; Mt 24: 28; and Mic 2: 13.

^b Cf. Aristotle, *De caelo* 4.6 (313b17-22).

63 ostio

64 ascendenti MS.

65 descensu

Responde: quod dicitur 'non est motus ubi non est resistencia medii ad motorem'^c, uerum tantum⁶⁶ in motu naturali, non uoluntario.

Ad aliud 'mouere secundum locum': de Deo dictum est motum esse actum Dei. De creatura uero dictum est esse actionem creature, et ita non uniuoce.

Cui⁶⁷ 'ascendit uirtute anime', que habet uirtutem particularem, quod etiam uidetur. Cum enim sit motus naturalis, uoluntarius et uiolentus. Sed processus uoluntarius est solum ab anima. Cum ergo Christi ascensus fuerit processiuus, patet quod fuit ab anima. Ac 1: *Cumque[que] intuerentur in celum euntem illum*.^d

Sed contra. Motus processiuus est super uiam habentem aliquam resistenciam. Numquid ergo sicut mare solidauit^e, sic nunc aerem, ignem, et celum? Sed non uidetur quia nulla ad corpus gloriosum in aliquo corpore resistencia.

Solutio. Non assero, sed mihi uidetur quod potuit sic successiue asce<n>disse uirtute anime solius uel coniuncti ex corpore et anima, scilicet ut anima subitationem illi corpori retardaret uel deitas. Sed cuius uirtute factum sit, nescio, quia *ascendit super cherubin*^f, id est, ascensio eius 'omnem modum sciencie excedit', ut dicit ibi *Glossa*.^g Uidetur tamen quod uirtute deitatis; sic *qui ascendit super celum celi ad orientem*^h, *Glossa*: 'Oriens intelligitur Uerbum a Patre genitum, cuius uirtute ascendit'.ⁱ Sed an uirtute anime et grauis interdum est, nec certum inuenio et ideo non dico.

Utrum etiam ascendit motu processiuo, nescio nec de hoc aliquid fixum inuenio. Nec necesse fuit solidari aerem, cum Christi corpus non habeat grauitatem.

Sed qua ascendit? Uidetur quod per occidentem; Ps: *Qui super occasum*.^j

Item uidetur quod per orientem; Ps: *Qui ascendit super celum celi ad orientem*.^k

Solutio. *Ascendit super occasum*^l, id est, 'mortem corporis quam resurgendo uicit'.^m Et ita fit hic mencio de resurrectione, non de ascensione. "Ad orientem"

^c For the doctrine that the void has no independent existence and therefore that movement through it is impossible, see Aristotle, *Physics* 4.8 (214b12-216a24).

^d Ac 1: 10.

^e See n. 47 (p. 39 above).

^f Ps 17: 11.

^g Peter Lombard, *Commentarium in Psalmos* 17.12 (PL 191.190).

^h Ps 67: 34.

ⁱ Lombard, *Comm.* 67.36 (PL 191.618).

^j Ps 67: 5.

^k Ps 67: 34.

^l Ps 67: 5.

^m Lombard, *Comm.* 67.4 (PL 191.603).

66 cñ (?) MS.

67 fort. quod legendum est.

uel "ab oriente"; alia littera locum exprimit ubi resurrexit et unde ascendit, quia Ierusalem, ubi hec facta sunt, est in oriente. Uel ad orientem, id est, ut lumen gratie nobis oriri faceret.ⁿ Uel quia ascendit uerso uultu ad orientem — quod nescio, licet uideatur Damascenus hoc dicere.^o Uel ad litteram quia terra promissionis est media habitabilis <zone> nostre — maxime Ierusalem in medio quarti climatis sita tenet⁶⁸ caput.^p Ibi est medius punctus inter orientem habitabilis <zone> nostre et occidentem. Et quando sol transit per meridionalem circulum illum, necessario occidit sol existentibus in puncto orientali et oritur existentibus in puncto occidentali. Et ita cum directe ad illud tendit⁶⁹ <et> ascendit, ascendit ad orientem et occidentem.

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ⁿ ibid. (618).

^o *De fide orthodoxa* 85.2, ed. Buytaert, pp. 305-306.

^p For an example of the sort of geography which is framing Fishacre's thinking here, see Honorius of Autun, *De imagine mundi* 1.6 (PL 172.122-23).

68 tenit MS.

69 tenit MS.

ROBERT FLAND'S *INSOLUBILIA*: AN EDITION, WITH COMMENTS ON THE DATING OF FLAND'S WORKS

Paul Vincent Spade

THE short text edited below is the second of Robert Fland's three known works, preserved in a unique manuscript in the Bibliothèque publique de la ville de Bruges, MS. 497, fols. 43rb-44va. The first of these works was edited and published, together with a description of the contents of the MS. as a whole, in my 'Robert Fland's *Consequentiae*: An Edition', *Mediaeval Studies* 38 (1976) 54-84.¹ The third and last of Fland's known works, his *Obligationes*, has also been edited, and will appear at a later date. I have also prepared a philosophical study of the doctrine contained in these three works. It will be forthcoming after the texts of the three works have been published.

It is on the basis of his *Insolubilia* that Fland's three works can be dated with a fair degree of accuracy. Some remarks on this topic were contained in my introduction to Fland's *Consequentiae*. Here I wish to treat the matter in greater detail.

As far as I have been able to determine, there are no external references to Fland by name. The sole evidence for the dating of his works appears to be the fact that in his *Insolubilia* he refers to the opinions of previous authors, and the fact that his *Insolubilia* appears to have been used in turn by a later writer. In both cases, we are fortunately in a position to fix the dates of these other authors' works with some accuracy. Nevertheless, since Fland gives no names, and since he himself is not cited by name by the later author, the links in this chronological chain must be argued for carefully.

¹ Professor Jan Pinborg has called my attention to an error in my description of the MS. in which Fland's works appear. On p. 54 I listed the last work in the codex as the *Consequentiae* of William Heytesbury. In fact, however, the work is not Heytesbury's at all, but rather, as the MS. catalogue says, the 'Abstractiones' of a certain 'Richard the Sophister' dating from the mid-thirteenth century. The work survives also in three other MSS.: Oxford, Bodleian Library MSS. Digby 2, fols. 122¹-140^v, and Digby 24, fols. 61^r-90^r, and Paris, Bibliothèque Nationale MS. lat. 14069, fols. 26^r-33^r (incomplete). For a description of the text, see L. M. De Rijk, *Logica modernorum* 2.1 (Assen, 1967), pp. 62-73.

First, we should note that it is highly likely that Fland's three tracts were written at approximately the same time. It was customary for scholars in the fourteenth century (to which Fland belonged, as we shall see) to write on logical topics early in their careers, before going on to higher studies such as theology. Furthermore, mediaeval logical literature is full of tracts on *insolubilia* 'paired' with tracts on *obligationes*.² This is true to such an extent that, unless there is evidence to the contrary, there is a *prima facie* likelihood that, if an author wrote on both topics, he wrote on them at the same time.

To these general considerations, the following particular point should be added. In paragraph 20 of his *Consequentiae*, Fland says that

nulla causalis vel conditionalis quae non valet debet concedi, et hoc deducta impositione, nec aliqua debet talis admitti in ista specie obligationis quae dicitur 'positio' sicut posterius dicitur.

This appears to be a reference forward to paragraph 35 of the *Obligationes* (fol. 45ra), where Fland does indeed say:

Sciendum est quod omnis [*sic: read nulla*] conditionalis quae non valet debet admitti in ista specie obligationis quia quaelibet conditionalis quae non valet est impossibilis.... Si ponitur causalis quae non valet, non debet admitti, et hoc propter eandem causam quae dicitur de condicionali.

This suggests that the *Consequentiae* was written in conjunction with the *Obligationes*, and supports the presumption that all three texts were written together. It is important to observe the interrelations of these texts, because all the external evidence for their dates pertains to the *Insolubilia* alone.

In his *Insolubilia* (par. 8), Fland distinguishes two previous positions on the *insolubilia*, either of which he says is acceptable (par. 15). On the first position, an insoluble sentence signifies first and principally as is the case, and also signifies as a consequent (or secondarily — cf. par. 8) that it itself is true (par. 9).³ The insoluble sentence is false in virtue of this consequent signification. So stated, this first position corresponds to what I have elsewhere called 'the tradition of the weakened Tarski-biconditionals'.⁴ In one form or another, this

2 Cf., e.g., Roger Swyneshed's tracts *De obligationibus* and *De insolubilibus*, which were written at the same time and frequently appear together in the MSS. (Cf. James A. Weisheipl, 'Roger Swyneshed, O.S.B., Logician, Natural Philosopher, and Theologian' in *Oxford Studies Presented to Daniel Callus* (Oxford, 1964), pp. 231-52). I have prepared editions of both these texts (forthcoming). Cf. also John of Wesel's questions on 'obligationes' and on 'insolubilia', items XLI and XLII in my *The Mediaeval Liar: A Catalogue of the Insolubilia-Literature* (Toronto, 1975). There are many other examples of this 'pairing' in the literature.

3 The meaning of this terminology will be discussed in my forthcoming philosophical discussion of Fland's doctrine.

4 Cf. my 'An Anonymous Tract on *Insolubilia* from MS. Vat. lat. 674: An Edition and

position was held by a number of authors. Indeed, the roots of this tradition may be traced back at least to Bonaventure.⁵ We cannot, therefore, be certain whom Fland had in mind here, if indeed he was thinking of any single author rather than the general tradition (but cf. below on Thomas Bradwardine). Accordingly, we cannot use Fland's mention of the first position to date his own tract.

On the second previous position that Fland considers, an insoluble sentence once again signifies first and principally as is the case, and as a consequent, or secondarily, *otherwise* than is the case, and so is again false in virtue of its consequent signification. But, whereas the first position specified quite precisely what that consequent signification was, the second position does not. In the context of an 'obligatio' in which an insoluble arises, the respondent⁶ simply does not have to answer the question how an insoluble signifies otherwise than is the case (pars. 8, 10). I shall argue that this second position is that of William Heytesbury.

In the first chapter ('De insolubilibus') of his famous *Regulae solvendi sophismata*,⁷ Heytesbury sets out the following rules:⁸

(1) If a *casus* of an insoluble is made, either it is posited how that insoluble must signify or it is not. If not, then when this insoluble is proposed one ought to reply to it entirely as would be replied when that *casus* is not assumed....

(2) Second, notice that if a *casus* of an insoluble is posited, and together with that it is assumed that the insoluble precisely signifies just as its terms commonly pretend [that is, that the insoluble signifies exactly as it normally does in daily discourse, no more and no less], this *casus* is in no way admitted....

(3) Third, if a *casus* of an insoluble is made, and together with that it is assumed that the insoluble signifies as its terms pretend, but not precisely [that is, it is assumed that the insoluble signifies as it normally does in daily discourse, but it is not assumed that it signifies *exactly* so — it may signify something else in addition], then when this *casus* is admitted, the insoluble is to be conceded as following, in whatever position it is proposed, and that it is true is to be denied as inconsistent.... But if it is asked in this *casus*⁹ what the sentence uttered in this way by Socrates signifies other than that Socrates is speaking falsely, to this it is said that the respondent does not have to solve or to give his determination for this question.

Analysis of the Text', *Vivarium* 9 (1971) 1-18 at p. 3. A discussion may be found there.

⁵ Cf. *The Mediaeval Liar*, item XXVII.

⁶ On this terminology, cf. Ignacio Angelelli, 'The Techniques of Disputation in the History of Logic', *The Journal of Philosophy* 67 (1970) 800-15.

⁷ In *Tractatus Gulielmi Hentisberi de sensu composito et diviso, Regulae ejusdem cum sophismatibus, Declaratio Gaetani supra easdem...* (Venice, 1494 [Hain 8437], fols. 4va-7rb).

⁸ *ibid.*, fol. 6va-b. The Latin text of these rules also appears in *The Mediaeval Liar*, item LXX. The terminology will be discussed in my forthcoming study of Fland's doctrine. In the meantime, I have inserted explanatory comments in square brackets in the translation.

⁹ The *casus* in question is one in which Socrates utters only the sentence 'Socrates is speaking falsely', which signifies that Socrates is speaking falsely, but which does not *precisely* signify so.

(4) ... if a *casus* of an insoluble is made, and together with that it is assumed that the insoluble signifies conjunctively precisely as its words pretend, for instance *a*, and that *b* exists, or something else whatever it may be [that is, if in normal daily discourse the insoluble signifies that *a*, here we pick something else — as an illustration, take the claim that *b* exists — and assume that the insoluble signifies exactly that *a* and that *b* exists], then if the opposite of that conjunct is inconsistent with the whole *casus*, the *casus* is to be denied as formally including contradictories.

(5) But if a *casus* of an insoluble is made, and together with that it is assumed that the insoluble signifies precisely disjunctively, as its words pretend or that *a* is *b*, or something of this sort [that is, if in normal daily discourse the insoluble signifies that *p*, here we pick something else — as an illustration, take the claim that *a* is *b* — and assume that the insoluble signifies exactly that either *p* or else *a* is *b*], then unless that which is disjoined with the insoluble is consistent with the whole *casus*, the *casus* is not to be admitted.... And just as in every *casus* where it is posited together with the *casus* of an insoluble that it signifies conjunctively as its terms commonly pretend and that this or that is the case [such *casus* are treated by rule (4) above], wherever it is proposed it is to be conceded and it is to be denied that it is true, so too conversely, when a *casus* of an insoluble is posited, and together with that it is posited that the insoluble signifies disjunctively precisely as its words pretend or that this or that is the case [these *casus* are treated by the first part of rule (5) above], the insoluble is to be denied whenever it is proposed, and it is to be conceded that it is true.

Heytesbury's position is complicated somewhat by his fifth rule, in virtue of which it is not always so that an 'insoluble is a sentence signifying first and principally as is the case'¹⁰ — thus violating Fland's general definition in paragraphs 1 and 2. This complication was frequently ignored, however, by both critics and defenders of his position. The third rule was taken as the peculiarly characteristic feature of Heytesbury's view, and in particular the contention that a respondent need not specify how an insoluble signifies otherwise than as its terms pretend, which is to say otherwise than is the case.¹¹

Finally, it should be noted that although Heytesbury explicitly disavows any originality for his position,¹² there is no known text which antedates his and which maintains the same position.¹³ It seems likely, then, that Fland had

¹⁰ Heytesbury's term 'to be conceded' seems to be translatable into Fland's terminology as 'signifies first and principally as is the case'. Cf. my forthcoming study of Fland's doctrine.

¹¹ Cf. *The Mediaeval Liar*, item V, *dubium* 3; item VII; and item LII (Ralph Strode). Cf. also John Dumbleton, quoted by James A. Weisheipl, 'Ockham and Some Mertonians', *Mediaeval Studies* 30 (1968) 163-213 at p. 203.

¹² *Regulae*, fol. 4va: 'Primum igitur capitulum notam sed non novam de insolubilibus summam declarabit.'

¹³ Cf. *The Mediaeval Liar*.

Heytesbury, or one of his followers, in mind as the author of the second position on insolubles (pars. 8, 10, 14, 76).

In Erfurt, CA 2° 135, there is a copy of Heytesbury's *Regulae* bearing the colophon 'datus Oxonie a mag. Wilhelmo de Hyttisbyri a.D. M°CCC°XXXV°'.¹⁴ This gives us the year 1335 as a probable 'terminus post quem' for Fland's *Insolubilia*, and so for the other two works as well.

For a 'terminus ante quem' we look to Ralph Strode. The MS. Oxford, Bodleian, Canon. Misc. 219¹⁵ contains the text of Strode's *Logica*.¹⁶ The sixth and last tract of this *Logica* is a 'De insolubilibus'. The copy, however, is incomplete and corrupt. The complete text may be found in Erfurt, CA 4° 255, fols. 1ra-12va,¹⁷ dated 1368-1370 on the basis of the explicits of three other works in the codex.¹⁸

Without mentioning Fland by name, Strode quotes paragraphs 2 and 3, and then says, 'After these definitions, he gets down to solving insolubles both according to the position of Master Thomas Bradwardine and according to the position of Heytesbury.'¹⁹ Now Bradwardine was one of those who maintained a position in the 'tradition of the weakened Tarski-biconditionals', described above.²⁰ Hence Strode's description certainly fits Fland's procedure — and, to my knowledge, no one else's.

Furthermore, after Fland sets out his first and second positions, he observes that neither view allows an insoluble to signify precisely as it first and principally signifies. He argues that if that were allowed, certain impossible conclusions would follow (par. 16). He states and proves nine such conclusions (pars. 17-34). It is clear that Fland is here arguing against Roger Swyneshed.²¹ The first three conclusions are just Swyneshed's own three conclusions,²² although not in

14 Quoted by Weisheipl, 'Ockham and Some Mertonians', 196.

15 Dated 1392. Cf. *The Mediaeval Liar*, item LIII.

16 In *The Mediaeval Liar*, n. 156 to item LIII, I said that I was preparing an edition of Strode's *Logica*. In a letter of 14 June 1975, however, Alfonso Maierù tells me that he is preparing 'un'edizione parziale della *Logica* di Strode'. I have therefore turned my project over to him.

17 A third copy (also incomplete and corrupt following the Oxford MS.) is contained in Padua, Biblioteca Antoniana MS. Scaff. XIX, N. 407, fols. 19ra-24rb. This copy is dated 1468 on the basis of the colophon.

18 Cf. W. Schum, *Beschreibendes Verzeichnis der amptonianischen Handschriften zu Erfurt* (Berlin, 1887).

19 For the Latin, cf. *The Mediaeval Liar*, item LIII.

20 His text antedates Heytesbury's. Cf. *ibid.*, item LXIV.

21 Cf. the references above, n. 2.

22 Cf. *The Mediaeval Liar*, item LXIII. The word 'praecise' in Fland's first conclusion (par. 17) is 'principaliter' in Swyneshed's original. Heytesbury makes the same terminological change (*Regulae*, fols. 4va-5vb). Note, however, that in the fifteenth-century MS. Vat. lat. 2130, fol. 155va, Swyneshed's first conclusion reads 'Aliqua propositio est falsa quae principaliter significat sicut est et praecise hoc.'

the same order. In the *insolubilia*-literature, Swyneshed's conclusions were taken as a characteristic feature of his position, and were frequently criticized, often with a reference to him by name.

Now in Part 2 of his 'De insolubilibus', Strode reproduces essentially Fland's nine conclusions with their accompanying proofs. The text is edited as an appendix, below. It should be pointed out that, whereas Fland directs his nine arguments against Swyneshed's apparent acceptance of the claim that insolubles signify precisely as they first and principally signify, Strode uses these same arguments — mentioning Swyneshed by name (appendix, par. 1) — against the further claim that 'some sentence neither principally signifies as is the case nor otherwise than is the case'. This too was a characteristic of Swyneshed's position.²³

This difference of purpose may explain some divergences of Strode's arguments from Fland's. Nevertheless, of Fland's nine conclusions with their proofs, all but the fourth and fifth are repeated quite faithfully by Strode. The fourth conclusion varies slightly in Strode's version, and the proof, after beginning as Fland's does, then diverges from it. Strode's fifth conclusion is quite different from Fland's. Even here, however, the proofs begin the same way.

Strode claims he got his arguments from Heytesbury's text (appendix, par. 2). This is wrong; with the partial exception of the ninth,²⁴ the arguments are simply not to be found in Heytesbury's work. Although Heytesbury does consider and argue against Swyneshed's position,²⁵ his arguments, with the exception noted, are quite different.²⁶ Finally, no other author besides Strode and Fland is known to have used these arguments.²⁷

In sum, therefore, I think there is ample evidence that Strode was using Fland's *Insolubilia* — or a later text derived from it — in Part 2 of his own 'De

23 Cf. his first 'divisio', quoted in *The Mediaeval Liar*, item LXIII.

24 Cf. Heytesbury, *Regulae*, fols. 4vb-5ra: 'Ponatur igitur quod dicat Sortes solummodo quod non est ita sicut Sortes dicit. Quo posito, vel est ita sicut Sortes dicit vel non. Si non, ponatur igitur quod Plato solummodo dicat quod non est ita sicut Sortes dicit. Et tunc arguitur sic: Non est ita sicut Sortes dicit; et Plato solummodo sic dicit: igitur, ita est sicut Plato dicit. Et tunc sequitur: Ita est sicut Plato dicit; et Sortes dicit totaliter sicut Plato et solummodo sic; igitur, ita est sicut Sortes dicit.' From this point the argument diverges.

25 *ibid.*, fols. 4va-5vb.

26 Heytesbury does use the sentence 'Haec propositio significat aliter quam est' in several of his arguments, beginning on fol. 5ra. The same sentence is used to construct the proofs for Fland's conclusion 4-8 (pars. 29-33; cf. Strode, appendix, pars. 6-10). These conclusions and their proofs, however, are quite different from anything Heytesbury has.

27 The sixth argument is an exception (which nevertheless does not affect my main point). Swyneshed himself draws this conclusion from his own position. Cf. par. 105 of my forthcoming edition of Swyneshed's *Insolubilia*. Both Fland (par. 31) and Strode (appendix, par. 8) argue that this conclusion should count against Swyneshed's position.

insolubilibus'. In virtue of the date of the Erfurt MS. of Strode's tract, this gives us a 'terminus ante quem' of 1370 for Fland's own text. Combining our conclusions, we can say finally that Fland's *Insolubilia* — and very likely his other works as well — can be dated with confidence between 1335 and 1370.

For the following edition I have consulted the MS. in microfilm copy only. Pointed brackets signal editorial additions, square brackets editorial deletions. Orthography has been normalized to that of *Thesaurus linguae latinae*.

* * *

< Insolubilia >

(1) (f. 43rb) <I> nsolubile est propositio significans primo et principaliter sicut est et ex consequenti aliter quam est, deducta nova impositione. Verbi gratia, dicat Sortes talem propositionem 'Sortes dicit falsum' et nullam aliam, quae significet quod Sortes dicit falsum, et sit unus Sortes omnis Sortes, et sit illa propositio dicta a Sorte *a*. Tunc *a* significat primo et principaliter quod Sortes dicat falsum; et ita est quod Sortes dicit falsum; ergo, *a* significat primo et principaliter sicut est. Et ex consequenti *a* significat aliter quam est quia [*a* significat aliter quam est quia] non stat cum casu quod *a* significat praecise sicut est, sicut postmodum patebit; et non primo et principaliter significat aliter quam est, ex quo primo significat et principaliter quod Sortes dicat falsum, et ita est; igitur, ex consequenti *a* significat aliter quam est.

(2) Patet¹ igitur definitio insolubilis, quae est: Insolubile est propositio primo et principaliter significans sicut est, et ex consequenti aliter quam est, deducta impositione nova.

(3) Propositio vera est propositio significans praecise sicut est. Propositio falsa est propositio significans aliter quam est.

(4) Ponatur tunc quod *a* sit ista propositio 'Nullum *a* est verum' quae significet quod nullum *a* est verum, et sit unum *a* omne *a*, quae significet quod nullum *a* est verum. Si² concedatur, arguitur sic: *a* est verum; et non plura *a* sunt; et *a* significat quod nullum *a* est verum; ergo, nullum *a* est verum.

(5) Si negatur ista '*a* est verum', proponatur illa '*a* est falsum'. Si concedatur, arguitur sic: *a* est falsum; et unum *a* est omne *a*; igitur, nullum *a* est verum. Ista consequentia est bona; et antecedens est verum; ergo, consequens. Et consequens est *a*; ergo, *a* est verum.

(6) Dicitur admittendo casum, et quando proponitur '*a* est falsum', dicitur 'Concedo'. Et quando arguitur: '*a* est falsum, et unum *a* est omne *a*; ergo, nullum

¹ *marg.* Definitio

² *marg.* Argumentum

a est verum', dicitur 'Concedo consequentiam et antecedens et consequens'. Et dicitur quod non oportet quod consequens sit *a*.

(7) Et si ponatur quod solummodo sit³ una talis 'Nullum *a* est verum' cum casu priori, et fiat tale argumentum: '*a* est falsum; et omne *a* est unum *a*; ergo, nullum *a* est verum', dicitur 'Concedo consequentiam'. Sed non⁴ oportet concedere consequentiam fore bonam,⁵ et hoc posito quod antecedens significat praecise quod *a* sit falsum et quod unum *a* sit omne *a*, quia consequens est insolubile significans primo et principaliter sicut est et ex consequenti aliter quam est.

(8) Unde⁶ duae sunt positiones quae ponunt quod insolubile significat aliter quam est. Prima ponit positio quod insolubile significat aliter quam est et certificat quae est sua significatio secundaria. Secunda positio ponit quod insolubile significat aliter quam est; respondens non habet certificare quid significat aliter quam est.

(9) Unde, posito tali casu quod Sortes dicat talem propositionem et nullam aliam 'Sortes dicit falsum', quae significat quod Sortes dicit falsum, et sit unus Sortes omnis Sortes, et sit propositio dicta a Sorte *a*, prima positio ponit *a* esse falsum, et ponit quod *a* significat primo et principaliter quod Sortes dicit falsum, et ex consequenti quod Sortes dicit falsum et quod haec est vera 'Sortes dicit falsum'.

(10) Secunda positio ponit *a* esse falsum et ponit quod illa primo significat⁷ et principaliter quod Sortes dicit falsum, et ponit quod illa *a* significat aliter quam est, quia non stat cum casu quod *a* significat praecise quod Sortes dicit falsum; igitur, sequitur ex casu quod *a* significat aliter quam quod Sortes dicit falsum; (f. 43va) sed non est major ratio quare *a* significat quod homo est asinus quam quod nullus deus est. Ideo secunda positio ponit quod *a* significat aliter quam est; non tamen sequitur ex casu quod *a* significat illo modo aliter quam est, quocumque demonstrato. Et si quaeratur qualiter significat aliter quam est, quaestio non est certificanda. Exemplum: Si ponatur quod quilibet alius a Sorte dicit falsum, et si quaeratur a respondente 'Quis est ille', respondens habet tali quaestioni respondere⁸ excusatorie sic dicendo 'Talis quaestio non est a me certificanda'.

(11) Unde,⁹ posito quod *a* sit illa propositio 'Nullum *a* est verum' quae

3 MS. adds but deletes *a*.

4 non *interl.*

5 Cf. Fland's *Consequentiae*, pars. 6-7. The distinction between conceding a consequence and conceding it to be 'good' will be discussed in my forthcoming study of Fland's doctrine.

6 *marg.* Nota

7 significat *in marg.*

8 responderi MS. (Emend for syntax.)

9 *marg.* Casus

significet quod nullum a est verum, et sit unum a omne a , prima¹⁰ positio admittit casum et concedit talem propositionem 'Nullum a est verum' quando proponitur, et ponit quod illa propositio quae est a sit falsa, et quod a significat copulative sua significata, scilicet, illa propositio 'Nullum a est verum' significat quod nullum a est verum et quod illa est vera 'Nullum a est verum', et oppositum¹¹ illius 'Nullum a est verum', scilicet, illa propositio 'Nonnullum a est verum',¹² significat disjunctive sua significata, sicut quod a est verum vel quod illa est falsum 'Nullum a est verum'.

(12) Unde secundum istam positionem omne insolubile significat copulative sua significata, et oppositum illius insolubilis significat disjunctive sua significata. Et si vis dare oppositum illius insolubilis, debes praeponere negationem toti,¹³ sicut oppositum illius 'Nullum a est verum': 'Nonnullum a est verum'. Et illa propositio 'Nonnullum a est verum' non aequipollet isti ' a est verum'. Sed¹⁴ aequipollet tamen disjunctivae ' a est verum vel illa est falsa "Nullum a est verum"'. Et ista propositio 'Nullum a est verum' quae est insolubile aequipollet tali copulativae 'Nullum a < est > verum et haec est vera "Nullum a est verum"'.

(13) Ulterius,¹⁵ posito tali casu quod Sortes dicat talem propositionem 'Sortes dicit falsum' et nullam aliam, quae significat sic, et sit unus Sortes omnis Sortes, et sit propositio dicta a Sorte a , tunc¹⁶ secundum illam positionem a est falsum et a significat quod Sortes dicit falsum et quod haec est vera 'Sortes dicit falsum'. Et suum oppositum significat quod nullus Sortes dicit falsum vel quod illa est falsa 'Sortes dicit falsum'. Patet ergo prima responsio ad talia insolubilia.

(14) Juxta¹⁷ secundam positionem, positis casibus prioribus, quando proponitur ista 'Nullum a est verum' et quod illa est vera 'Nullum a est verum', nulla talis quaestio certificanda est a respondente quando quaeritur qualiter ista propositio 'Nullum a est verum' significat aliter quam quod¹⁸ nullum a est verum. Consimiliter respondetur ad hoc insolubile 'Sortes dicit falsum', posito casu priori. Unde quando proponitur ista 'Sortes dicit falsum', illa est concedenda; et illa non significat praecise quod Sortes dicit falsum; ideo significat quod Sortes dicit falsum et aliter quam quod Sortes dicit falsum. Respondens tamen non habet

¹⁰ *mag.* Nota

¹¹ Cf. Fland's *Consequentiae*, par. 3: 'Unde idem est hic oppositum et contradictorium.'

¹² a est verum: unclear in MS.

¹³ Cf. Fland's *Consequentiae*, par. 15.

¹⁴ Reading uncertain.

¹⁵ *mag.* Casus

¹⁶ *mag.* Prima responsio (?)

¹⁷ *mag.* Secunda responsio

¹⁸ est MS. (The sense of the argument requires either ' a est verum' or ' a est falsum'.)

dicere quod significat isto modo, demonstrando illum modum quod homo sit asinus, nisi ponatur quod illa propositio 'Sortes dicit falsum' sic significet ab opponente. Patet igitur secunda responsio ad similia insolubilia.

(15) Ideo duae responsiones sunt meliores aliis ad insolubilia solvenda. Eligat¹⁹ ergo respondens unam istarum pro sua solutione ad insolubilia.

(16) Unde nulla istarum praecedentium admittit casum talem: Sit *a* illa propositio 'Nullum *a* est verum', quae significet praecise quod nullum *a* est verum. Et sit unum *a* omne *a*. Nec talem casum: Dicat Sortes talem propositionem et nullam aliam 'Sortes dicit falsum', et sit unus Sortes omnis Sortes. Quia ex quolibet istorum sequuntur conclusiones impossibiles.

(17) Prima²⁰ conclusio est: Propositio falsa significat praecise sicut est.

(18) Secunda conclusio est quod duo contradictoria sunt simul falsa.

(19) Tertia conclusio est quod ex vero sequitur falsum formaliter.

(20) Quarta conclusio est quod aliqua consequentia est bona cujus consequens est verum et antecedens nec significat sicut est nec aliter quam est.

(21) Quinta est: Aliqua consequentia est bona et formalis et antecedens est falsum et consequens neque significat sicut est nec aliter quam est.

(22) Sexta est quarum: Sunt duo contradictoria quorum unum est verum et reliquum neque verum neque falsum.

(23) Septima est: Qualitercumque significat *a* significat *b* et²¹ *b* non convertitur cum *a*. Vel propositio nec significans sicut est nec aliter quam est convertitur cum propositione falsa.

(24) Octava conclusio est quod propositio falsa nec significat sicut est nec aliter quam est.

(25) Nona conclusio est ista: Ita est totaliter sicut Sortes dicit et non est ita totaliter sicut Sortes dicit.

(26) Quod prima conclusio istarum conclusionum sequitur patet, quia sequitur: 'Sortes dicit falsum; et ista propositio dicta a Sorte significat praecise quod Sortes dicit falsum, sicut patet ex casu; igitur, illa propositio dicta a Sorte significat praecise sicut est'. Et illa propositio dicta a Sorte est falsa sicut patet intuenti. Patet igitur prima conclusio.

(27) Quod secunda conclusio sequitur patet, quia illa propositio 'Sortes dicit falsum' quae est dicta a Sorte est falsa, sicut patet. Et illa propositio 'Nullus Sortes dicit falsum', quae est ejus oppositum, est falsa propositio, quia significat aliter quam est. Patet igitur quod duo contradictoria sunt simul falsa.

(28) Et quod ex vero sequatur falsum probatur sic: Capiatur talis consequentia 'Hoc est falsum; ergo, hoc est falsum'. Arguitur ab una convertibili ad reliquum;

19 *mag.* Nota

20 *mag.* Inconvenientia

21 MS. adds but deletes *a*.

igitur — ‘Hoc est falsum’ demonstrato consequente per utrumque pronomen.²² Tunc illa consequentia est bona, quia illa convertuntur. Et quod consequens sit falsum probatur, quia vel est consequens verum vel falsum. Si falsum, habeo propositum. Si verum, et hoc significat quod hoc est falsum, demonstrato consequente. Ergo, ita est quod est falsum, demonstrato consequente. Quod autem antecedens sit verum patet, quia illud significat quod hoc est falsum, demonstrato consequente. Et ita est quod hoc est falsum, demonstrato consequente; igitur, antecedens est verum.

(29) Quod quarta conclusio sequitur patet, quia haec consequentia (f. 43vb) est bona: ‘Haec propositio significat aliter quam est; igitur, haec propositio est’,²³ demonstrato antecedente per utrumque pronomen. Tunc ista consequentia est bona cujus consequens est verum et antecedens nec significat sicut est nec aliter quam est. Quod non significat praecise sicut est patet intuenti, quia sequitur: ‘Hoc antecedens significat praecise sicut est; et hoc antecedens significat praecise quod hoc significat aliter quam est, demonstrata se ipsa; igitur, haec significat aliter quam est’. Et ultra: ‘ergo, hoc antecedens non significat praecise sicut est nec sicut est’. Patet intuenti. Nec hoc antecedens significat aliter quam est, quia sequitur: ‘Hoc antecedens significat aliter quam est; et hoc antecedens significat praecise quod haec significat aliter quam est, demonstrata propositione quae est hoc antecedens; ergo, hoc antecedens significat praecise sicut est’. Patet igitur quod hoc antecedens nec significat praecise sicut est nec aliter quam est.

(30) Quod quinta conclusio sequitur patet, quia haec est consequentia bona: ‘Haec propositio significat aliter quam est; igitur, haec propositio significat aliter quam est’, demonstrato consequente in utroque. Tunc haec consequentia est bona cujus consequens nec significat sicut est nec aliter quam est, sicut patet per prius argumentum. Et antecedens est falsum, quia antecedens significat quod haec significat aliter quam est, demonstrata propositione quae est consequens. Et non est ita; igitur, antecedens significat aliter quam est. Et ultra: igitur, antecedens est falsum.²⁴

(31) Quod sexta conclusio sequitur patet, quia haec sunt contradictoria ‘Haec significat aliter quam est’ ‘Haec non significat aliter quam est’, demonstrata affirmativa per utrumque pronomen. Et illa est vera ‘Haec non significat aliter

22 Understand perhaps: ‘Arguitur ab una convertibili ad reliquum; igitur, consequentia est bona. Et hoc quando illa “Hoc est falsum”, quae est consequens, demonstratur per utrumque pronomen.’

23 Strode’s example (cf. appendix, par. 6) is ‘Haec propositio significat aliter quam est; ergo, haec propositio non est vera’. His fourth conclusion, however, is slightly different from Fland’s, and the proof is quite distinct.

24 The same argument would suffice to show that the consequent in par. 29 is false, not true as par. 29 claims.

quam est', quia illa propositio significat praecise quod haec non significat aliter quam est, demonstrata propositione quae est ejus oppositum; et ita est; igitur, illa propositio est vera 'Haec non significat aliter quam est'. Et illa propositio 'Haec significat aliter quam est' nec significat sicut est nec aliter quam est, sicut patet per prius argumentum. Et per consequens illa nec est vera nec falsa.

(32) Quod septima conclusio sequitur patet, quia istae propositiones convertuntur 'Haec significat aliter quam est' 'Haec significat aliter quam est', demonstrata *a* per utrumque pronomen. Et sit *a* prima, et *b* secunda. Et qualitercumque significat *a* significat *b* et e contra, quia utrumque significat praecise quod haec significat aliter quam est. Et *b*²⁵ significat aliter quam est et *a*²⁶ nec significat sicut est nec aliter quam est.

(33) Quod octava conclusio sequitur patet, quia capiatur talis propositio 'Hoc significat aliter quam est', demonstrata se ipsa. Illa est falsa, quia illa significat quod illa significat aliter quam est, demonstrata se ipsa; et non est ita quod illa significat aliter quam est, demonstrata se ipsa; igitur, haec est falsa. Et illa nec significat sicut est nec aliter quam est, sicut patet per prius argumentum. Patet igitur octava conclusio, quae est quod aliqua propositio est falsa quae nec significat sicut est nec aliter quam est.

(34) Quod nona conclusio sequitur patet, quia dicat Sortes talem propositionem et nullam aliam 'Non est ita sicut Sortes dicit' quae significet praecise quod non est ita sicut Sortes dicit. Ideo vel est ita sicut Sortes dicit vel non est ita sicut Sortes dicit. Si non est ita sicut Sortes dicit, dicat Plato similiter talem propositionem 'Non est ita sicut Sortes dicit' quae significet praecise quod non est ita sicut Sortes dicit. Arguitur tunc sic: Non est ita sicut Sortes dicit; et Plato sic dicit praecise; ergo, ita est sicut Plato dicit. Et praecise sicut Plato dicit dicit Sortes; ergo, ita est sicut Sortes dicit. Si dicitur quod ita est sicut Sortes dicit, et Sortes dicit praecise quod non est ita sicut Sortes dicit; igitur, ita est quod non < est > ita sicut Sortes dicit; igitur, non est ita sicut Sortes dicit; igitur, ita est sicut Sortes dicit et non est ita sicut Sortes dicit.²⁷

(35) Apparent igitur conclusiones sequi ex talibus: Dicat Sortes talem propositionem et nullam aliam 'Sortes dicit falsum' quae significet praecise quod Sortes dicit falsum. Et sit unus Sortes omnis Sortes, et sit illa propositio dicta a Sorte *a*. Similiter si ponatur illa propositio 'Hoc est falsum' significare praecise quod haec est falsa, demonstrata se ipsa, vel quod 'Talis propositio significat aliter quam est' significet praecise quod haec significat aliter quam est, demonstrata se ipsa, vel quod Sortes dicat talem propositionem 'Non est ita < si-

25 *a* MS.

26 *b* MS. MS. also adds a vertical stroke. (The emendations are required by the argument.)

27 Cf. above, n. 24 to the introduction.

cut > Sortes dicit' quae significet praecise quod non est ita sicut Sortes dicit. Ex quo istae conclusiones sunt contra opinionem plurium sapientium, negantur casus ex quibus sequuntur tales conclusiones vel consimiles.

(36) Apparet tamen quibusdam quod illi casus possunt probari sic: Considerat Sortes de tali propositione 'Falsum est', et concipiat Sortes per istam quod falsum est, et nihil aliud. Et non significet ista propositio aliquo aliter alicui homini nisi Sorti. Tunc illa 'Falsa est' significat praecise quod falsum est, quia illa significat praecise Sorti quod falsum est; et nihil aliud a Sorte considerat de ista; ergo, illa propositio 'Falsum est' significat praecise quod falsum est. Dicitur igitur quod illa propositio 'Falsum est' potest significare praecise quod falsum est dummodo tales plura sunt 'Homo est asinus' 'Nullus deus est'. Corruptantur igitur tales propositiones falsae post hoc et maneat illa propositio 'Falsum est' in *d* instanti in quo non [est] erit aliqua propositio falsa < alia > ab illa. Arguitur tunc sic: Illa 'Falsum est' nunc significat praecise (f. 44ra) quod falsum est; et in *d* instanti significabit praecise quod falsum est, vel tunc significabit aliter quam modo significat mediante nova impositione. Sicut²⁸ pono igitur, tunc significabit praecise quod falsum est.

(37) Aliter arguitur sic: Si illa 'Falsum est' significabit aliter in *d* instanti quam modo significat, ex quo per impositionem non significabit tunc aliter quam modo significat, igitur naturaliter tunc significabit aliter quam nunc significat. Consequens est falsum, scilicet, tunc significabit quod falsum est sicut nunc significat quod falsum est; ergo, sicut est sua primaria significatio ita tunc sua primaria. Et Sortes concipiet tunc illud idem quod modo per illam concipit, quia praecise quod falsum est. Nec tunc habetur aliter ad significandum quam nunc significat; igitur, nullam significationem aliam primariam habet tunc quam nunc non habet;²⁹ et tunc ista significat praecise quod falsum est; igitur, et tunc significabit praecise quod falsum est.

(38) Similiter, si tunc significabit aliter quam modo significat, vel igitur sic vel sic; sed non est major ratio quare tunc significabit quod homo est asinus quam quod nullus deus est vel quod tu curris vel quod tu sedes; sequitur igitur quod ista tunc significabit quod homo est asinus et quod nullus deus est, et sic de aliis.

(39) Aliter arguitur sic: Illa oratio 'Falsum est' est vox significativa ad placitum. Corruptantur igitur omnes propositiones falsae aliae ab illa et imponit Sortes illam ad significandum praecise quod falsum est. Tunc per impositionem illa propositio 'Falsum est' significat praecise quod falsum est. Et non est aliqua alia propositio ab illa. Et quod illa propositio potest imponi praecise ad

²⁸ Reading uncertain.

²⁹ The argument requires that this be read 'it has no other primary signification then which it does not now have' rather than 'it has no other primary signification then than it does not now have'.

significandum quod falsum est arguitur sic: Illa est oratio quae est vox significativa, et cetera; igitur, qua ratione mediante impositione potest significare praecise quod homo est asinus, non existente aliqua propositione alia ab illa eadem, eadem ratione potest significare mediante impositione quod falsum est vel quod hoc est falsum, demonstrata se ipsa, vel quod haec significat aliter quam est, non existente alia propositione quam illa.

(40) Aliter³⁰ arguitur sic: Capiatur illa propositio 'Sortes videt falsum' quae significet praecise quod Sortes videt falsum. Et claudat Sortes oculos suos. Et sit unus Sortes omnis Sortes. Et pono quod non sit aliud falsum. Tunc, clausis oculis Sortis, illa 'Sortes videt falsum' significat praecise quod Sortes videt falsum. Et apertis oculis Sortis non significat aliter quam quod Sortes videt falsum, nisi³¹ apparitio oculorum Sortis foret causa quare illa significat aliter quam quod Sortes videt falsum. Sed dicere quod illa 'Sortes videt falsum' significat aliter quam quod Sortes videt falsum propter apparitionem oculorum Sortis non est evidentia.

(41) Ista sunt evidētiaē ad probandum casus priores quorum solutiones faciliter possunt apparere intuenti.

(42) Dimissis igitur istis evidentiis, arguitur ad hoc insolubile 'Sortes dicit falsum' quod est insolubile simplex. Dicat Sortes talem propositionem et nullam aliam 'Sortes dicit falsum' quae significet quod Sortes dicit falsum. Et sit unus Sortes omnis Sortes. Et sit propositio dicta a Sorte *a*. Tunc proponatur illa '*a* est verum'. Si conceditur, arguitur sic: *a* est verum; et *a* est omnis propositio dicta a Sorte; igitur, omnis propositio dicta a Sorte est vera; igitur, nullus Sortes dicit falsum; et *a* significat quod Sortes dicit falsum; igitur, *a* est falsum.

(43) Si negatur quod *a* sit verum, arguitur tunc sic: *a* est falsum; et *a* est haec propositio dicta a Sorte 'Sortes dicit falsum'; igitur, haec est falsa 'Sortes dicit falsum'; igitur, suum oppositum erit verum 'Nullus Sortes dicit falsum'; et Sortes dicit propositionem quae est *a*; igitur, *a* est verum.

(44) Si dubitatur ista '*a* est verum', contra: Ex casu sequitur quod *a* est falsum, quia ex casu sequitur quod Sortes dicit falsum; et nullam aliam propositionem dicit Sortes quam *a*; igitur, *a* est falsum.

(45) Admittendus est casus, et conceditur illa '*a* est falsum' et quod haec propositio dicta a Sorte 'Sortes dicit falsum' est propositio falsa. Illa tamen non significat praecise quod Sortes dicit falsum, nec suum oppositum, scilicet, ista 'Non Sortes dicit falsum' significat praecise quod nullus Sortes dicit falsum. Et si quaeritur qualiter ille³² *a* significat, dicitur quod talis quaestio non est certificanda, sicut patet per prius dicta.

³⁰ *mag.* Nota

³¹ non MS. (Emendation required by the sense of the argument.)

³² This ought perhaps to be emended to 'illud'. The sense is definitely not 'ille terminus *a*', since *a* is by hypothesis a sentence and not a term.

(46) Aliter pono sic quod quilibet dicens verum habebit denarium et solummodo talis.³³ Et dicat Sortes talem propositionem et nullam aliam '< Nullus >³⁴ Sortes habebit denarium', quae significet quod nullus Sortes habebit denarium. Et pono quod nullus Sortes dicens falsum habebit denarium. Et sit illa propositio dicta a Sorte *a*. Tunc proponitur ista '*a* est verum'. Si conceditur, arguitur tunc sic: *a* est verum; et *a* est omnis propositio dicta a Sorte; et unum *a* est omne *a*; igitur, Sortes dicit verum et non falsum; et quicumque dicens verum et solummodo verum habebit denarium; igitur, Sortes habebit denarium; et *a* significat quod nullus Sortes habebit denarium; igitur, *a* est falsum.

(47) Si dicatur quod *a* est falsum, arguitur tunc sic: *a* est falsum; et *a* est haec propositio 'Nullus Sortes habebit denarium'; igitur, haec est falsa 'Nullus Sortes habebit denarium'; igitur, suum oppositum est verum 'Sortes habebit denarium'; igitur, Sortes dicit verum; et nullam propositionem dicit Sortes nisi *a*; igitur, *a* est verum.

(48) Dicitur³⁵ quod *a* est falsum et quod nullus Sortes habebit denarium, et dicitur quod haec propositio 'Nullus Sortes habebit denarium' quae est unum insolubile non significat praecise quod nullus Sortes habebit denarium. Et suum oppositum, scilicet, haec 'Nonnullus Sortes habebit denarium' non significat praecise quod Sortes habebit denarium. Et sic non sequitur ulterius quod *a* sit verum.

(49) Similiter arguitur et respondetur ad hoc insolubile, posito quod quilibet dicens verum et solummodo verum transibit pontem. Et dicat Sortes talem propositionem et nullam aliam 'Nullus³⁶ Sortes transibit pontem' quae significet quod nullus Sortes transibit pontem. Et sit illa propositio dicta a Sorte *a*. Et similiter ad talia insolubilia: Capitur talis propositio 'Hoc est falsum' quae significet quod hoc est falsum, demonstrata se ipsa, vel talis propositio 'Haec significat aliter quam est' quae significet quod haec significat aliter quam est, scilicet, demonstrata se ipsa. Et ad consimilia patet responsio praedicta.

(50) Nunc dicendum est de insolubilibus compositis ex disjunctivis et copulativis et cetera. Dicat Sortes talem propositionem disjunctivam 'Homo est asinus vel nulla disjunctiva dicta a Sorte est vera', et nullam aliam, quae significet quod homo est asinus vel nulla disjunctiva dicta a Sorte est vera. Et sit illa propositio dicta a Sorte *a*. Et sit unus Sortes omnis Sortes. (f. 44rb) Tunc proponatur ista '*a* est verum'. Si concedatur, arguitur sic: *a* est verum; et *a* significat quod homo est asinus vel nulla propositio disjunctiva dicta a Sorte sit

33 This ought to be 'Quilibet dicens verum et solummodo verum habebit denarium', in virtue of the rest of the paragraph. Cf. also par. 49.

34 Emendation required by the sense of the argument.

35 *margin.* Solutio

36 Nullus *interl.* (below the line)

vera; sed non est ita quod homo est asinus; igitur, nulla disjunctiva dicta a Sorte est vera. Arguitur tunc sic: Nulla disjunctiva dicta a Sorte est vera; *a* est disjunctiva dicta a Sorte; igitur, *a* non est verum.

(51) Si dicitur quod *a* est falsum, arguitur tunc sic: *a* est falsum; et *a* est haec disjunctiva dicta a Sorte 'Homo est asinus vel nulla disjunctiva dicta a Sorte est vera'; igitur, suum oppositum est verum 'Nullus homo est asinus et aliqua disjunctiva dicta a Sorte est vera'. Arguitur tunc sic: Aliqua disjunctiva dicta a Sorte est vera; et *a* est omnis propositio dicta a Sorte disjunctiva; igitur, *a* est verum.

(52) Si dubitatur illa '*a* est verum', contra: Ex casu sequitur quod *a* est falsum, et hoc bene scis;³⁷ igitur, non habes dubitare *a* esse verum.

(53) Dicitur igitur quod *a* est falsum. Et igitur talis disjunctiva quando proponitur 'Homo est asinus vel < nulla >³⁸ disjunctiva dicta a Sorte est vera; sed non est ita quod nulla disjunctiva dicta a Sorte est vera; igitur, homo est asinus' — dicitur 'Concedo consequentiam' et negando minorem. Immo ita est quod nulla disjunctiva dicta a Sorte est vera.

(54) Consimiliter arguitur et respondetur ad hoc insolubile 'Homo est asinus vel ego dico disjunctivam falsam'. Et consimiliter ad istam 'Homo est asinus vel nulla disjunctiva est vera'.

(55) Uterius ponitur quod Sortes dicat talem propositionem copulativam et nullam aliam 'Nullus homo est asinus et nulla copulativa dicta a Sorte est vera' quae significet quod nullus homo³⁹ est asinus et nulla copulativa dicta a Sorte est vera. Et sit unus Sortes omnis Sortes. Et sit propositio dicta a Sorte *a*. Tunc proponatur ista '*a* est verum'. Si conceditur, arguitur sic: *a* est verum; et *a* significat quod nullus homo est asinus et quod nulla copulativa dicta a Sorte sit vera; igitur, ita est quod nullus homo est asinus et quod nulla copulativa dicta a Sorte est vera. Tunc ultra: Nulla copulativa dicta a Sorte est vera; *a* est copulativa dicta a Sorte; igitur, *a* non est verum.

(56) Si dicitur quod *a* est falsum, sic tunc arguitur: *a* est falsum; et *a* est propositio dicta a Sorte copulativa 'Nullus homo est asinus et nulla copulativa dicta a Sorte est vera'; igitur, illa est falsa 'Nullus homo est asinus et nulla copulativa dicta a Sorte est vera'; igitur, suum oppositum est verum, scilicet, illud 'Homo est asinus vel aliqua copulativa dicta a Sorte est vera'; sed nulla copulativa est dicta a Sorte nisi *a*; igitur, *a* est verum.

(57) Si dubitatur illa '*a* est verum', contra: Sequitur ex casu quod *a* sit falsum; et hoc bene scis; ergo, non est a te dubitanda *a* esse verum.

(58) Dicitur quod *a* est falsum, et concedo talem copulativam 'Nullus homo

37 Reading uncertain, but cf. par. 57.

38 For the emendation, cf. later in the paragraph.

39 Sortes MS. (Emendation required by the sense of the argument.)

est asinus et nulla copulativa dicta a Sorte est vera'. Non tamen conceditur quod illa propositio⁴⁰ sit vera 'Nulla copulativa dicta a Sorte est vera' quae est altera pars copulativae dicta a Sorte. Et negatur quod illa copulativa dicta a Sorte 'Nullus homo est asinus et nulla copulativa dicta a Sorte est vera' significat praecise quod nullus homo est asinus et quod nulla copulativa dicta a Sorte est vera.

(59) Et si quaeratur qualiter illa propositio aliter significat quam quod nullus homo est asinus et nulla copulativa dicta a Sorte est vera, si respondens velit, habere dicere prius dictum, quod talis quaestio non est ab eo certificanda. Aliter potest dici quod *a* est falsum, et dicitur quod oppositum *a* est ista 'Non nullus homo est asinus et nulla copulativa dicta a Sorte est vera' quae significat quod homo est asinus vel quod aliqua copulativa dicta a Sorte est vera, vel quod illa est falsa 'Nullus homo est asinus et nulla copulativa dicta a Sorte est vera'.

(60) Consimiliter arguitur et respondetur ad hoc insolubile 'Deus est et nullum verum est', vel⁴¹ 'Terminus est et nulla copulativa vera est'.

(61) Uterius dicat Sortes istam propositionem et nullam aliam 'Deus est' significante < *m* > praecise quod deus est, et Plato dicat talem et nullam aliam 'Tantum Sortes dicit verum' significantem quod tantum Sortes dicit verum. Et sit illa propositio dicta a Platone *a*. Tunc proponitur ista '*a* est verum'. Si conceditur, arguitur sic: *a* est verum, quod *a* significat quod tantum Sortes dicit verum; igitur, tantum Sortes dicit verum; et tamen Plato est alius a Sorte; igitur, Plato non dicit verum; et *a* est omnis propositio dicta a Platone; igitur, *a* est falsum.

(62) Si dicitur quod *a* est falsum, arguitur tunc sic: *a* est falsum, quod *a* est illa propositio 'Tantum Sortes dicit verum'; igitur, haec est falsa 'Tantum Sortes dicit verum'; igitur, aliud a Sorte dicit verum vel nullus Sortes dicit verum; sed non est ita quod nullus Sortes dicit verum; igitur, alius a Sorte dicit verum; et Plato est omnis alius dicens a Sorte propositionem, et ille dicit *a*; igitur, *a* est verum.

(63) Dicitur quod *a* est falsum, et quod propositio dicta a Platone 'Tantum Sortes dicit verum' non significat praecise quod tantum Sortes dicit verum, nec suum oppositum convertitur cum tali disjunctiva 'Nullus Sortes dicit verum vel alius a Sorte dicit verum'. Uterius patet responsio per praedicta.

(64) Uterius, posito quod Sortes dicit talem propositionem et nullam aliam⁴² significantem quod deus est, et Plato dicit talem propositionem et nullam aliam 'Nihil praeter Sortem dicit verum' significantem quod nihil praeter Sortem dicit

40 copulativa MS. (The sentence given is not a 'copulativa'.)

41 Unclear in film.

42 i.e., 'Deus est', as in par. 61.

verum, et sit illa propositio dicta a Platone *a*, tunc proponitur ista '*a* est verum'. Si conceditur ista, arguitur: *a* est verum, quod *a* significat quod nihil praeter Sortem dicit verum; igitur, nihil praeter Sortem dicit verum; Plato est alius a Sorte et dicens *a* propositionem; igitur, *a* est falsum.

(65) Si dicitur quod *a* est falsum, arguitur sic: *a* est falsum, quod *a* est haec propositio 'Nihil praeter Sortem dicit verum'; igitur, haec est falsa 'Nihil praeter Sortem dicit verum';⁴³ igitur, nullus Sortes dicit verum vel aliud a Sorte dicit verum; sed Plato est quilibet homo alius a Sorte dicens *a* propositionem; igitur, *a* est verum.

(66) Casus est admittendus. Et similiter respondetur ad hoc insolubile sicut ad insolubile immediate praecedens.

(67) Ulterius ponitur quod Sortes iste credat talem propositionem et nullam aliam 'Iste Sortes decipitur' quae significet quod ille Sortes decipitur, et sit propositio credita a Sorte *a*. Tunc proponitur ista '*a* est verum'. Si conceditur, arguitur sic: *a* est verum; et *a* est omnis (f. 44va) propositio credita ab illo Sorte; igitur, iste Sortes credit praecise sicut est, quare Sortes non decipitur; et *a* significat quod ille Sortes decipitur; igitur, *a* est falsum.

(68) Si dicitur quod *a* est falsum, arguitur tunc sic: *a* est falsum; et *a* est omnis propositio credita ab illo Sorte; igitur, falsum creditur ab illo Sorte; igitur, ille Sortes decipitur. Ista consequentia est bona; et antecedens est verum; ergo, consequens; consequens est *a*; igitur, *a* est verum.

(69) Consimiliter respondetur ad hoc insolubile sicut ad insolubile posito quod *a* sit illa propositio 'Nullum *a* est verum' quae significet quod nullum $\langle a \rangle$ est verum, cujus solutio⁴⁴ est praedicta.

(70) Ulterius, dicantur tales propositiones 'Hoc est falsum' et 'Hoc est falsum', quarum una est *a* et alia *b*. Et demonstretur per subjectum *a* [et]⁴⁵ *b*, et per subjectum *b* *a*. Tunc proponitur illa '*a* est verum'. Si conceditur, arguitur sic: *a* est verum, quod *a* significat quod hoc est falsum, demonstrando *b*; igitur, hoc est falsum, demonstrando *b*. Tunc ultra: Hoc est falsum, demonstrando *b*; et *b* est illa propositio 'Hoc est falsum', demonstrando *a*; igitur, haec est falsa 'Hoc est falsum', demonstrando *a*. Et eadem ratione haec est falsa, demonstrando *b*, 'Hoc est falsum', quae est *a*, sicut patet intuenti; igitur, ex quo *b* est falsum, *a* est falsum.

(71) Si dicitur quod *a* est falsum, igitur, eadem ratione et *b* est falsum; *b* est illa propositio 'Hoc est falsum', demonstrando *a*; igitur, haec est falsum, demon-

43 falsum MS. (This rather radical emendation nevertheless seems required by the sense of the argument.)

44 Reading uncertain.

45 For the emendation, compare the end of the sentence. Here '*a*' is genitive, '*b*' is nominative. It is reversed at the end of the sentence.

strando *a*; igitur, haec est vera 'Hoc non est falsum', demonstrando *a*; et unum *a* est omne *a* quod est propositio; igitur, *a* est verum.

(72) Ad hoc insolubile dicitur admittendo casum, et dicitur quod *a* est falsum et similiter *b*. Et dicitur quod haec est falsa 'Hoc est falsum', demonstrando *b*, quae est *a*. Et non oportet quod haec sit vera 'Hoc non est falsum', demonstrando *a*. Causa patet per praedicta.

(73) Ulterius, capitur talis consequentia 'Hoc est falsum; igitur, hoc est falsum', demonstrando consequens per utrumque pronomen. Tunc ista consequentia est concedenda, quia respondens habet negare illa duo 'Hoc est falsum' 'Hoc non est falsum', demonstrato eodem.⁴⁶

(74) Si autem concedatur talis consequentia, contra: Antecedens est verum et consequens falsum; igitur, consequentia non valet. Quod antecedens sit verum patet, quia antecedens significat quod consequens sit falsum et ita est, cum consequens significat unum insolubile, quod non significat praecise quod hoc est falsum, demonstrato se ipso; igitur, consequens est falsum, quia omne insolubile est falsum, sive fuerit affirmativum sive negativum. Et dicitur quod non est inconveniens concedere consequentiam non bonam,⁴⁷ quia in talibus oportet respondentem concedere consequentiam non bonam cuiusmodi est talis 'Hoc est falsum; igitur, hoc est falsum', vel concedere ista duo 'Hoc est falsum' 'Hoc non est falsum', demonstrato eodem — quod tamen apparet magis inconveniens.

(75) Consimiliter respondetur ad talem consequentiam 'Hoc significat aliter quam est; igitur, hoc significat aliter quam est', demonstrato consequente utrum < que > per pronomen.

(76) Si quaeritur an ista stant simul 'Hoc est falsum' 'Hoc non est falsum', demonstrato consequente,⁴⁸ dicitur quod sic, quia ista propositio 'Hoc est falsum' quae est insolubile aequivalet copulativae falsae, et suum oppositum aequivalet disjunctivae verae. Unde ista propositio 'Hoc est falsum' non significat praecise quod hoc est falsum, demonstrato se ipso, nec ejus oppositum significat praecise quod hoc non est falsum. Et si quaeritur qualiter illa significat 'Hoc non est falsum' et an disjunctivae aequipollet, dicitur quod talis quaestio non est certificanda, sicut ponit una positio prius posita. Alia tamen positio ponit sic quod 'Hoc non est falsum' sive illa 'Non hoc est falsum', quae est oppositum insolubilis, aequipollet tali disjunctivae verae 'Hoc non est falsum vel hoc est falsa "Hoc est falsum"', demonstrando insolubile. Et illa disjunctiva verificatur pro illa parte 'Hoc est falsa "Hoc est falsum"', demonstrando insolubile. Et non sequitur ultra: Hoc est falsa 'Hoc est falsum'; igitur, hoc non est falsum. Immo debet sic argui: Hoc est falsa 'Hoc est falsum'; et illa 'Hoc est falsum' significat

46 Cf. par. 74.

47 Cf. Fland's *Consequentiae*, pars. 6-7, and n. 5, above, to par. 7.

48 i.e., the consequent of the consequence in par. 75.

praecise quod hoc est falsum; igitur, hoc non est falsum. Et tunc est minor falsa.

(77) Unde licet ista stant simul 'Hoc est falsum' 'Non hoc est falsum', respondens tamen non habet concedere quod aliqua tales stant simul 'Hoc est falsum' 'Hoc non est falsum', quia capitur talis consequentia 'Hoc est falsum; igitur, hoc est falsum', demonstrato consequente per utrumque pronomen. Sit antecedens *a* et consequens *b*. Capiatur oppositum consequentis, quod sit *c*. Tunc *a* et *c* stant simul, quia utrumque istorum est verum [sed] si proponantur⁴⁹ istae propositiones 'Hoc est falsum' 'Non hoc est falsum' quae sunt *a* et *c*, demonstrato consequente per utrumque pronomen. Sed *b* et *c* repugnant, quia sunt duo contradictoria.

(78) Unde aliquando non est inconveniens negare propositiones veras, sicut patet in casibus propositis. Etiam mediante impositione. Verbi gratia, mediante impositione, capiantur tales propositiones 'Tu curris' 'Tu non curris', et significet utraque istarum quod deus est. Tunc quando istae proponuntur debent negari,⁵⁰ et tamen verae sunt.

(79) Consimili modo respondetur ad talem consequentiam 'Sortes dicit falsum; igitur, Sortes dicit falsum', cujus consequens est insolubile⁵¹ et antecedens non, sicut respondetur ad istam 'Hoc est falsum; igitur, hoc est falsum', demonstrato consequente per utrumque pronomen.

(80) Ulterius talis conclusio est possibilis '*a* est una propositio in conceptu significans quod homo est asinus vel quod hoc est falsum; et ita est quod homo est asinus vel hoc est falsum; et *a* est propositio falsa'. Sit enim *a* talis disjunctiva in conceptu 'Homo est asinus vel hoc est falsum', demonstrato *a*. Tunc *a* significat quod homo est asinus vel quod hoc est falsum; et ita est quod homo est asinus vel hoc est falsum, demonstrato *a*. Et *a* est disjunctiva falsa. Pro solutione ad insolubilia sufficiant dicta haec.

Expliciunt Insolubilia Fland.⁵²

* * *

APPENDIX

The following are Ralph Strode's nine objections against Roger Swyneshed's

49 praeponantur MS. (This palaeographical confusion occurs occasionally also in Fland's *Consequentiae*.)

50 This claim violates a passage in Fland's *Obligations*: 'Unde semper respondendum est ad propositiones penes primarias significationes et numquam penes secundarias.' (Cf. par. 73 of my forthcoming edition.)

51 impossibile MS. (Emendation required by the sense of the argument.)

52 The following short note is inserted at the bottom of fol. 44va in what appears to be a different hand: 'Quandocumque in aliqua propositione ponuntur duo officabilia, primum debet exponi ac reliquum non, ut haec "Quilibet homo ab omni homine differt; igitur, iste homo ab omni homine differt", et cetera. Omnis dictio significans sive importans alienationem requirit [requirunt MS.] illa duo esse, ut "differt" "alius" et "non idem" et similia, quia ista consequentia est bona "Tu es alius, sive differs, a chimaera; igitur, chimaera est".'

opinion on insolubles. The text is transcribed from Erfurt, CA 4° 255, fols. 9vb-10rb. See above, pars. 16-35.

(1) (f. 9vb) <C> circa secundam opinionem, videlicet, magistri Rogeri Swinised, est sciendum quod secundum membrum primae divisionis, ista, scilicet, 'Aliqua propositio nec principaliter significat sicut est nec aliter quam est', videtur satis expresse esse contra antiqua principia a philosophis maxime approbatis tradita, et a tota communitate modernorum sine aliqua inquisitione seu dubitatione usitata et praecipue contra principia Aristotelis primo *Perihermeneias*⁵³ et primo *Priorum*⁵⁴ et primo *Topicorum*⁵⁵ et quarto *Metaphysicae*.⁵⁶ Ex quibus locis satis expresse elicitur omnem propositionem sive orationem indicativam non interrogativam aliquid significantem significare sicut est vel aliter quam est. Et dico significanter 'propositionem aliquid significantem' propter hoc quia clarum est quod aliqua est propositio quae penitus nihil significat quae nec significat sicut est nec aliter quam est, cujusmodi sunt tales 'Adam fuit' 'Antichristus erit'. Sed⁵⁷ illud nihil est ad propositum ipsius opinantis.

(2) Unde breviter contra istam opinionem. Adducit Heytesbury in suis insolubilibus⁵⁸ quasdam conclusiones ut videtur impossibiles, quae ex ista opinione sequuntur, quarum prima est ista, quod aliqua propositio est falsa [aliqua propositio est falsa] quae praecise significat sicut est. Et quod ista sequitur patet, quia secundum istam opinionem, Sorte dicente istam 'Sortes dicit falsum' et nullam aliam, ista praecise significat Sortem dicere falsum. Et secundum omnes, isto casu posito, ista est falsa; ergo, ista praecise significat sicut est. Et ultra: ergo, aliqua propositio falsa significat praecise sicut est.

(3) Secunda⁵⁹ conclusio est ista, quod duo contradictoria sibi invicem contradicentia sunt simul falsa. Et quod ista sequitur demonstratur sic: Toto casu jam posito, clarum est quod ista propositio 'Sortes dicit falsum' est falsa; et ista est propositio 'Nullus Sortes dicit falsum' quae est ejus contradictoria et similiter propositio falsa, quia est oratio indicativa significans aliter quam est; ergo, duo contradictoria sunt simul falsa.

(4) Oppositum primae conclusionis patet ex illa propositione Aristotelis in *Praedicamentis*, 'Eo quod res est vel non est' et cetera.⁶⁰ Oppositum secundae

53 Cf. perhaps Aristotle, *De interpretatione* 1 (16a9-18). Strode's references throughout to Aristotle are rather imprecise.

54 Cf. perhaps Aristotle, *Prior Analytics* 1.1 (24a16).

55 I have not found this reference.

56 Aristotle, *Metaphysics* 4.7 (1011b24-29).

57 sicut MS. (Emendation required by the sense of the paragraph.)

58 With the partial exception of the ninth, these arguments are not to be found in Heytesbury's text.

59 *margin.* Secunda (?)

60 Cf. Aristotle, *Categories* 10 (13b26-35).

patet per Aristotelem in *Postpraedicamentis*⁶¹ et quarto *Metaphysicae*⁶² et primo *Perihermeneias*⁶³ ubi satis expresse vult quod impossibile est duo contradictoria sibi invicem contradicentia esse simul vera vel simul falsa.

(5) Tertia⁶⁴ conclusio est ista, quod in consequentia bona et formali ex vero sequitur falsum. Quod probatur sic: Capitur talis consequentia 'Hoc est falsum; ergo, hoc est falsum', demonstrato consequente istius consequentiae per utrumque pronomen. Tunc planum est quod ista consequentia est bona, quia secundum istam opinionem arguitur ab uno convertibili ad reliquum⁶⁵ (f. 10ra) quia antecedens et consequens convertuntur. Et consequens est falsum et antecedens est verum. Quod probatur sic, quia consequens vel est verum vel falsum. Si falsum habetur propositum. Si verum, ergo aliqua propositio falsificans se esset vera, quod est contra istam opinionem. Item, consequens est propositio insolubilis, et per consequens secundum omnes ipsa est falsa. Quod antecedens sit verum patet quia antecedens significat praecise sicut est. Et non est propositio falsificans se; ergo, antecedens est verum. Ista consequentia est bona secundum istam opinionem. Et antecedens patet quia significat praecise consequens esse falsum, et consequens est falsum, ergo, significat praecise sicut est. Et non falsificat se, quia non significat se ipsum esse falsum.

(6) Quarta⁶⁶ conclusio est ista: Aliqua est consequentia bona cujus consequens est verum et antecedens nec verum nec falsum. Quae probatur sic: Ista consequentia est bona: 'Haec propositio significat aliter quam est; ergo, haec propositio non est vera', demonstrato antecedente per utrumque pronomen. Quod ista consequentia sit bona patet istam per opinionem et etiam per omnes alios logicos. Et quod consequens sit verum patet, quia significet antecedens non esse verum. Patet ergo⁶⁷ secundum omnes opiniones insolubilium. Et quod antecedens nec sit verum nec falsum patet per istam opinionem, quia antecedens est propositio significans aliququaliter esse, et sic significante est pertinens ad inferendum se ipsam non significare principaliter sicut est. Et per consequens, sicut dicit ista opinio, nec est vera nec falsa. Et quod ista conclusio non sit conveniens patet expresse per Aristotelem primo *Priorum*⁶⁸ et primo *Posteriorum*⁶⁹ in quibus

61 *ibid.*, 13b1-3.

62 *Metaphysics* 4, *passim*.

63 Cf. *De interpretatione* 7 (17b16-37) and 9 (18a27-32).

64 *arg.* Tertio

65 At the bottom of the folio, with several blank lines remaining, there is added 'Hic nihil deficit'.

66 There is perhaps a marginal note here, but the codex is bound too tightly to see it clearly in the microfilm.

67 Reading uncertain.

68 *Prior Analytics* 2.4 (57a36-40).

69 Cf. perhaps Aristotle, *Posterior Analytics* 1.26 (87a1-11).

locis elicitur ab Aristotele haec regula 'In omni consequentia bona si consequens sit falsum, antecedens est falsum'.⁷⁰

(7) Quinta⁷¹ conclusio est ista, quod aliqua est consequentia bona et formalis cuius antecedens est verum et consequens nec verum nec falsum. Quod probatur sic: Ista consequentia est bona 'Haec propositio significat aliter quam est; ergo, haec propositio significat aliter quam est', demonstrato consequente per utrumque pronomen. Quod ista consequentia sit bona patet per istam opinionem, quia antecedens et consequens praecise idem significant. Quod antecedens sit verum probatur, quia antecedens praecise significat consequens significare aliter quam est; et ita est quod consequens significat aliter quam est; et antecedens non falsificat se; ergo, antecedens est verum. Ista consequentia patet per istam opinionem. Et prima pars antecedentis patet per casum. Et etiam tertia pars patet de se. Et secunda pars, ista, scilicet, 'ita est quod consequens significat aliter quam est', probatur sic: Consequens aliququaliter significat; et non significat sicut est; ergo, significat aliter quam est. Ista consequentia videtur esse bona. Et ambae partes antecedentis videntur haberi⁷² ex ista opinione, quia opinans concedit quod 'Haec propositio significat aliter quam est' significat aliququaliter, quia dicit quod propositio nec significans principaliter sicut est nec aliter quam est est oratio significans aliququaliter, et ita significante est pertinens. Etiam concedit et secundam partem antecedentis, quia dicit hanc propositionem non significare sicut est. Et quod ista conclusio sit inconueniens patet per Aristotelem in locis praeallegatis⁷³ ex quibus elicitur ista regula quod in omni consequentia bona si antecedens sit verum, et consequens.⁷⁴

(8) Sexta⁷⁵ conclusio est ista, quod aliqua sunt duo contradictoria quorum unum est verum et reliquum nec significat sicut est nec aliter quam est, et per consequens, secundum istam opinionem, nec verum nec falsum. Quod probatur sic: Capiantur istae duae propositiones 'Haec propositio significat aliter quam est' 'Haec propositio non significat aliter quam est'. Tunc ista sunt contradictoria, quia una singularis affirmativa et alia est singularis negativa de consimilibus terminis, et participantibus utroque extremo. Et volo quod per utrumque pronomen demonstraretur pars affirmativa istius contradictionis. Tunc, secundum istam opinionem, propositio affirmativa nec est vera nec falsa. Et propositio negativa est vera, quia significat praecise sicut est et non falsificat se. Et quod ista con-

70 Strobe's fourth conclusion does not violate this rule.

71 There is perhaps a marginal note here, but the codex is bound too tightly to see it clearly in the microfilm.

72 habere MS.

73 MS. appears to have been corrected.

74 Cf., e.g., *Prior Analytics* 2.2 (53b6-10).

75 *marg.* Sexta

clusio sit inconueniens satis patet per Aristotelem in primo *Priorum*⁷⁶ et primo *Perihermeneias*⁷⁷ ubi satis expresse vult: Si unum contradictorium sit < verum > reliquum est falsum et e converso.

(9) Septima⁷⁸ conclusio est ista, quod aliquae duae propositiones convertuntur simpliciter quorum una est falsa et reliqua nec vera nec falsa, et quorum una significat aliter quam est et reliqua nec significat aliter quam est nec sicut est. Quod probatur sic: Capiantur istae duae propositiones 'Haec significat aliter quam est' et 'Haec significat aliter quam est'. Et per utrumque pronomen demonstretur prima istarum, quae vocetur *a*, et reliqua *b*. Tunc clarum est secundum istam opinionem quod istae duae propositiones simpliciter (f. 10rb) convertuntur, quia praecise idem significant. Nam *a* praecise significat *a* significare aliter quam est, et *b* praecise significat hoc idem. Et *b* est falsum secundum istam opinionem, quia *b* significat *a*⁷⁹ aliter significare quam est; et *a* non significat aliter quam est; ergo, non est ita sicut *b* significat. Vel: ergo, *b* significat aliter quam est; ergo, *b* est falsum. Ista consequentia patet plus per istam opinionem. Et *a* nec est verum nec falsum, secundum eandem, sicut jam patet per saepe dicta. Et impossibilitas istius conclusionis de se est satis evidens, quia nulla penitus potest assignari ratio quare una convertibilium potius sit vera vel falsa quam reliqua, vel potius nec sit vera nec falsa quam reliqua, vel potius nec significet aliter quam est nec sicut est quam reliqua.

(10) Octava⁸⁰ conclusio est ista, quod aliqua propositio est falsa quae⁸¹ aliquid significat quae tamen nec significat sicut est nec aliter quam est. Quod probatur sic: Et capiatur ista propositio 'Haec significat aliter quam est', demonstrata ipsamet, quae sit *a*, quod tunc *a* est propositio aliquid significans; et *a* est propositio falsa; et *a* nec significat sicut est nec aliter quam est; ergo, conclusio vera. Ista consequentia est de se nota. Et prima pars antecedentis et tertia patent per istam opinionem. Et secunda pars, ista, scilicet, '*a* propositio est falsa', declaratur sic: Nam *a* significat quod ipsummet *a* significat aliter quam est; et secundum istam opinionem ipsa non significat aliter quam est; ergo, non est ita sicut *a* significat; ergo, *a* est falsum. Ista consequentia patet per istam opinionem, videlicet, patet < per > descriptionem propositionis falsae superius ab ista positione posita. Et impossibilitas istius conclusionis videtur satis patere per Aristotelem in *Praedicamentis*⁸² ubi dicit 'Eo quod res est vel non est' et cetera.

76 I have not found this reference.

77 Cf. perhaps *De interpretatione* 7 (17b16-37) and 9 (18a27-32).

78 *marg.* Septima

79 *a interl.*

80 *marg.* Octava

81 MS. corrected from: quia

82 *Categories* 10 (13b26-35).

(11) Nona⁸³ conclusio est ista, quod istae duae propositiones stant simul: 'Ita est totaliter sicut Sortes dicit' et 'Non est ita totaliter sicut Sortes dicit'. Quod probatur. Et ponatur quod Sortes dicat talem propositionem et nullam aliam 'Non est ita sicut Sortes dicit', quae vocetur *a*. Et significet *a* praecise quod non est⁸⁴ ita sicut Sortes dicit. Iste casus est possibilis secundum istam opinionem. Et sit unus Sortes omnis Sortes. Et dicat Plato similiter talem propositionem et nullam aliam 'Non est ita sicut Sortes dicit', quae praecise significet quod non est ita sicut Sortes dicit. Quo posito, quaero utrum ita sit sicut Sortes dicit vel non sit ita sicut Sortes dicit. Si non sit ita sicut Sortes dicit, tunc non est ita sicut Sortes dicit; et Plato tantum sic dicit, videlicet, quod non est ita sicut Sortes dicit; ergo, ita est sicut Plato dicit; et Sortes sic dicit totaliter sicut Plato dicit, per casum, et tantummodo⁸⁵ sic; ergo, ita est sicut Sortes dicit; ergo, si non est ita sicut Sortes dicit, ita est sicut Sortes dicit. Si vero dicatur quod ita est sicut Sortes dicit, et Plato dicit quod non est ita sicut Sortes dicit; ergo, non est ita sicut Plato dicit; et Sortes et Plato dicunt praecise eadem; ergo, non est ita sicut Sortes dicit; ergo, adhuc sequitur, si est ita sicut Sortes dicit, non est ita sicut Sortes dicit. Et ista conclusio sequitur ex hoc quod ponitur quod possibile est propositionem insolubilem praecise sic significare sicut verba illius communiter praetendunt. Sed clarum est quod ista conclusio est impossibilis, quia implicat contradictoria sibi invicem contradicentia esse simul vera, et unum contradictoriorum sequi ex reliquo. Quod totum est impossibile; ergo, illud ex quo sequitur.⁸⁶

(12) Relinquitur ergo ista opinio quantum ad hoc quod ponit quod aliqua est propositio aliququaliter significans quae nec significat principaliter sicut est nec aliter quam est, et etiam quantum ad hoc quod propositio insolubilis praecise significat sicut verba illius prima facie praetendunt, et tertio quantum ad hoc quod ponit aliqua contradictoria sibi invicem contradicentia esse simul falsa, et quarto quantum ad hoc quod in aliqua consequentia bona et formali antecedens est verum et consequens falsum, et quinto quantum ad hoc quod ponit quod aliqua propositio falsa praecise significat sicut est, et sexto quantum ad hoc quod ponit quod aliqua est propositio quae nec est vera nec falsa. De relinquis vero ab ista opinione tactis, videlicet, quod propositio non est suae partes, et cetera hujusmodi, utrum vera sint vel falsa praesens non discutio, quia non videntur ad propositum meum pertinere.

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⁸³ *marg.* Nona conclusio

⁸⁴ MS. corrected from: sit

⁸⁵ Reading uncertain.

⁸⁶ On this argument, cf. above, n. 24 to the introduction.

A NEW *PASSIO BEATI EDMUNDI*
REGIS [ET] MARTYRIS

Judith Grant

THE *Passio beati Edmundi regis [et] martiris* which is printed here has not, to the best of my knowledge, been published previously nor can I find any mention of it in the many works that deal with the documentary materials relating to the life and martyrdom of St. Edmund, king of East Anglia.¹

The text is found on fols. 104v-106r of the Paris MS. Arsenal 935, formerly MS. I, 106 of the Bibliothèque des Carmes, Place Maubert, a collection of lives of saints entitled *Gesta et miracula sanctorum*. It consists of 174 parchment folios, 188 mm. × 140 mm., written in a thirteenth-century hand, two columns to the page, with initials in red and blue, and titles in red. This MS. is, as far as I have been able to ascertain, the only known copy of the work which is attributed to a certain 'Frater Joibertus, canonicus sancti Johannis Suessionensis'.² The presence of items such as (fol. 119) 'Arrivée du corps de S. Sébastien à Soissons' and of lives of saints specifically connected with Soissons, (fol. 36) 'Vie de S. Bandarid, évêque de Soissons', (fol. 143) 'De vita sancti Vodoaldi, presbiteri' and (fol. 166) 'SS. Médard et Godard', would seem further to indicate that the compilation, which includes the lives of many saints connected with northeastern France, was produced at Soissons.

The main and, in all likelihood, the only source of this *Passio* is the life of St. Edmund written by Abbo of Fleury late in the tenth century.³ An analysis of the

1 Chief among which are: *Bibliographica hagiographica latina*; T. D. Hardy, *Descriptive Catalogue of Materials Relating to the History of Great Britain and Ireland, to the End of the Reign of Henry VII*, 3 vols. (RS 26; London, 1862-71); T. Arnold, *Memorials of St. Edmund's Abbey*, 3 vols. (RS 96; London, 1890-96), hereafter referred to as *Memorials*; and Lord F. Hervey, *Corolla sancti Edmundi* (London, 1907).

2 Cf. H. Martin, *Catalogue des manuscrits de la Bibliothèque de l'Arsenal* 2 (Paris, 1896), pp. 179-80. I have been unable to discover anything further concerning Joibert who was presumably a regular canon at Saint-Jean-des-Vignes, established at Soissons since 1076.

3 The most recent edition of Abbo's work is M. Winterbottom's *Three Lives of English Saints* (Toronto, 1972) and it is to this that all references are made here. For the sake of simplicity

Passio will serve to illustrate the extent of its author's dependence upon Abbo's earlier and much longer work:

1-2 The *Passio* opens with the briefest of geographical settings for the narration that will follow:⁴ 'Angle propter aliquam causam uocatur quedam pars Anglie' (1-2), echoing in all probability the opening statement of *Abbo* 3. 1-2: 'huic prouinciae tam feraci quam diximus Eastengle uocabulo nuncupari'

2-6 Edmund is introduced as the king of that region and described in terms reminiscent of but much briefer and more restrained than the rhetorical eulogies in *Abbo* 3. 4-16 and 4. 1-14. Abbo, in addition to commenting upon the king's merits, had stated that Edmund was a descendant of the 'ancient Saxons',⁵ by which he probably meant the early Germanic settlers of the province whom, contrary to the accepted view, he had said (1. 13-15) were Saxons, not Angles.⁶ The *Passio*, which has not retained any mention of the earlier 'Saxon' settlement of East Anglia, not unexpectedly makes no mention of Edmund's ancestry.

6-10 Edmund's exceptional virtue aroused the ire of the devil who resolved to test him sorely, as he had previously tested Job, in order to have him abandon the service of God and thereby ensure his damnation. *Abbo* 4. 15-19 had given a similar account of the devil's action and included the comparison with Job.

10-19 To this end the devil caused a certain Hinguar, an evil pirate from distant lands (*in partibus ulterioribus oriundus*, 13-14), and a sworn enemy of all Christians, to assemble a band of equally reprobate followers who were reputed to indulge even in cannibalism and to attack Edmund.

Abbo 5. 1-25 had similarly recounted that Hinguar was a pirate, that he was inspired by the devil in his attack upon Edmund, and that his associates were known for their cannibalism. However, in this same section of his work, Abbo also furnished many details which are not found in the *Passio*. Some of these are incidental to the main story line and their omission in the later and much shorter account is not surprising. Others, however, of greater relevance to the story of Edmund's martyrdom and constant elements of the 'legend' or 'saga' which, in the course of the Middle Ages, grew up round this king and the circumstances of his death,⁷ have not been retained in the *Passio*. The work makes no

Abbo's work, entitled 'Passio sancti Eadmundi' in many of the MSS. in which it is found, will be referred to as *Abbo*, while the text printed here from MS. Arsenal 935 is referred to as the *Passio*. The numbers at the beginning of each section of the discussion that follows refer to lines in the *Passio*.

4 There is no echo in the *Passio* of the dedicatory epistle to Archbishop Dunstan with which Abbo had prefaced his account, nor of the first two sections of his work proper in which he told of the coming to England of the Angles, Jutes and Saxons, of the settlement of East Anglia by the latter and then described the riches and resources of that province.

5 3. 3-4: '... Eadmundus, ex antiquorum Saxonum nobili prosapia oriundus ...'

6 Cf. the discussion in D. Whitelock, 'Fact and Fiction in the Legend of St. Edmund', *Proceedings of the Suffolk Institute of Archaeology* 31 (1970) 219.

7 For discussion of the various works that formed this 'saga' cf. Whitelock, *ibid.* and G. Loomis, 'The Growth of the Saint Edmund Legend', *Harvard Studies and Notes in Philology and*

mention of the fact that Hinguar was not alone in leading the attack on Edmund but had as his co-leader the equally ferocious and savage Hubba;⁸ that these two men and their followers were not merely from some unspecified distant region but were Danes;⁹ that these Danes did not immediately proceed to their attack on Edmund but, first of all, sailed with a large fleet to Northumbria which they devastated;¹⁰ that Hubba was the key figure in this initial attack and subsequently remained in the conquered territory while the others, under the leadership of Hinguar, sailed south to East Anglia.¹¹

19-23 Under Hinguar's command the large band of attackers sailed to Edmund's territory which they proceeded to ravage and lay waste. *Abbo* 5. 33-41 had provided a lengthier account of the destruction wrought by these attackers upon a town which he did not identify.

23-35 While his forces were terrorising the countryside Hinguar sent a message to Edmund enjoining him, upon pain of death, to submit to him and yield up his ancestral treasures. The text of the message is very similar to that in *Abbo*¹² although the concluding lines of the message in *Abbo* 7. 15-22, which merely expand the initial points made by Hinguar, have not been retained in the *Passio*. The *Passio* does not provide the name of the place where messenger and king met, given as Haegilsdun¹³ in *Abbo* 6. 12, nor is there any echo of Abbo's account (6. 5-16) of Edmund's reputation as a fierce warrior and of the consequent attempts by the cautious Hinguar to kill as many of the king's supporters as possible before venturing to engage him in actual combat.

Literature 14 (1932) 83-113 and 'Saint Edmund and the Lodbrok (Lothbroc) Legend', *ibid.* 15 (1933) 1-23.

8 Cf. *Abbo* 5. 4-7: 'Fuit autem idem aduersarius Hinguar uocabulo dictus, qui cum altero, Ubba nomine, eiusdem peruersitatis homine, nisi diuina inpediretur miseratione conatus est in exterminium adducere totius fines Brittanniae.'

9 Cf. *Abbo* 5. 23-26: '... Dani, occidentis regionibus nimium uicini, quoniam circa eas piratycam exercent frequentibus latrociniiis. Ex eorum ergo genere predicti duces Hinguar et Hubba'

10 Cf. *Abbo* 5. 25-30.

11 Cf. *Abbo* 5. 30-33. Abbo makes no further mention of Hubba following the attack upon Northumbria although other works have him present at the capture and death of Edmund (cf. Loomis, 'Saint Edmund Legend', 89) and involve him in further adventures (cf. Whitelock, 'Fact and Fiction', 227 ff.).

12 'Hinguar dominus noster et terra marique metuendus, [c]ui ipsa etiam fauent elementa, ad optatum tue prouincie portum hiematurus applicuit. Mandatque tibi ut ips[i] suisque antiquos thesauros et paternas diuitias sub eo regnaturus diuidas. Quod si nolueris uita priuaberis et regno. Et qui es ut tanto regi possis contraire?'

Passio 26-35

'Terra marique metuendus dominus noster Hinguar, rex inuictissimus, diuersas terras subiciendo sibi armis, ad huius prouinciae optatum litus cum multis nauibus hiematurus apulit; atque iccirco mandat ut cum eo antiquos thesauros et paternas diuitias sub eo regnaturus diuidas. Cuius si aspernaris potentiam, innumeris legionibus fultam, tuo praeiudicio et uita indignus iudicaberis et regno. Et quis tu, ut tante potentiae insolenter audeas contradicere?'

Abbo 7. 8-15

13 Probably Helledon; cf. Whitelock, 'Fact and Fiction', 220 n. 12.

35-40 Edmund, faced with Hinguar's ultimatum, sought the counsel of a bishop, who, fearing for the king's life, advised him to accept Hinguar's terms. As with Hinguar's message, the *Passio* here follows Abbo closely.¹⁴

40-43 The king rejected his bishop's advice, stating that he was ready to die with his people, and sent the messenger back with his refusal. There is no trace in this brief passage of Edmund's musings on the duties of a Christian monarch, nor of the lengthy debate between the king and the bishop which is recorded in *Abbo* 8. 5-49 and which, in that work, preceded his rejection of Hinguar's terms. Nor is there any echo of *Abbo* 9 where Edmund spelled out his reply to the messenger, taking up and refuting, point by point, Hinguar's message to him and dwelling at some length upon the natures of liberty and servitude.

44-56 The messenger had hardly left before Hinguar's men burst in, took the king, beat, bound and then dragged him before their leader, just as Christ was brought before Pilate. Edmund, refusing to obey anyone but Christ, was again beaten and then used as a target by Hinguar's bowmen until his body so bristled with arrows and shafts that it resembled a hedgehog. Edmund still steadfastly refused to submit and finally was decapitated.

These lines record the essence of *Abbo* 10 and include his likening of Edmund's arrow-studded body to that of a hedgehog. However, a second simile in which Abbo had likened the body to a thistle, his comparison of Edmund's sufferings to those of St. Sebastian (10. 21) and description of Edmund standing meekly before his executioners *ut aries de toto grege electus* (10. 30) have not been retained in the *Passio*, nor is any reference made in that work to the date of the martyr's death which, according to Abbo, had occurred on 20 November.¹⁵

56-64 The king's killers left the body in a wood and the head in another place in order to foil any attempt by Christians to find it. God, however, saw to it that there was one Christian who watched the martyrdom from a place of hiding and, thus, witnessed the ultimate fate of the body but not that of the head. Except for the fact that the *Passio* does not name the wood, which Abbo had said was known as Haeglesdun (11. 16),¹⁶ its account of these events is similar to that of *Abbo* 11. 12-26, although expressed more briefly.

14 'Hiis auditis rex pius ingemuit uocansque quemdam episcopum quid nuntio respondere debeat consuluit. Episcopus multis exemplis ut ei obediret ammonuit ut ueniret quia et si aliter faceret moreretur.'

Passio 35-40

'Quo audito rex sanctissimus alto cordis dolore ingemuit, et ascito uno ex suis episcopis, qui ei erat a secretis, quid super his respondere deberet consulit. Cumque ille timidus pro uita regis ad consentiendum plurimis hortaretur exemplis ...'

Abbo 8. 1-5

15 10. 35-38: 'Atque ita duodecimo Kal. Decembr. Deo gratissimum holocaustum Eadmundus igne passionis examinatus cum palma uictoriae et corona iustitiae rex et martyr intrauit senatum curiae caelestis.'

16 Cf. n. 13 above.

64-69 After the departure of Hinguar, the surviving Christians found the body and then searched the wood for the head, maintaining contact with each other by blasts on trumpets.¹⁷ These details are basically those related, although at much greater length, in *Abbo* 12. 1-25.

69-78 God, who had once given Balaam's ass the power of speech,¹⁸ performed a similar miracle for St. Edmund whose tongue attracted the searchers to where the head lay with cries of 'Hire! Hire! Hire!' Once again the *Passio* follows *Abbo* (12. 25-38) closely and has retained both the English and the Latin versions of the tongue's cries.

78-83 A second instance of divine intervention became manifest when the head was discovered, for it lay untouched and safe between the paws of a wolf which had not harmed it in any way while guarding it from all dangers, just as Daniel was preserved in the lions' den. *Abbo* 12. 39-48 had furnished similar details, including the comparison with Daniel, although in this instance, as previously with Balaam and the ass, the names of the prophets which had not been given by *Abbo*¹⁹ are provided by the author of the *Passio*.

83-91 The people were overjoyed by their discovery and, followed by the wolf, carried the head back to the body. They then buried the two and raised a wooden 'basilica' over the grave ('super sepulcrum basilicam [i]g]nei operis construxerunt', 85-86) in which the body lay for many years and where countless miracles were performed. After a period of time, the remains were translated by king and people to the better known Bredrecicurtis (present-day Bury St. Edmunds).

Although the *Passio* presents the general substance of *Abbo*'s relation of the initial burial and subsequent translation of Edmund's body to its second resting place, while omitting most of the circumstantial detail with which *Abbo* had embellished his account, there are points of difference between the two. The *Passio* has it that the 'basilica' over Edmund's first resting place was of wood, whereas *Abbo*, who referred to the structure on two occasions, had commented not on the materials but on the quality of its construction.²⁰ The author of the *Passio* may have interpreted these comments as indications of wooden construction, or he may here be echoing *Abbo*'s description of the church which was built at Bury and to which Edmund's body was later translated: 'construxit

17 Cf. *Passio* 67-69: 'Statuunt ergo totam siluam illam inuestigare et sese inuicem lituis reuocare' and *Abbo* 12. 21-25: 'Cunque inito consilio omnes pari affectu ad id concurrerent decreuerunt ut cornibus [uel] tubis ductilibus singuli contenti essent, quatinus circumcirca peruagantes uocibus aut tubarum strepitu sibi mutuo innuerent, ne aut lustrata repeterent aut non lustrata desererent.'

18 Cf. *Passio* 70-73: '... de dumo densissimo apperuit Dominus linguam regis—[i]dem qui fecit asinam loqui ut Balaam duritiam increparet' and *Abbo* 12. 36-38: 'Palpitabat mortuae linguae plectrum infra meatus faucium, manifestans in se uerbigenae magnalia, qui rudenti asellae humana conpegit uerba, ut increparet prophetae insipientiam.'

19 Cf. n. 18 above and *Abbo* 12. 45-48: 'Quod stupefacti uidentes qui confluerant, beatissimum regem et martyrem [Eadmundum] illi uiro desideriorum iudicauerunt meritis similem qui inter esurientium rictus leonum illesus spreuit minas insidiantium.'

20 13. 13: '... edificata uili opere desuper basilica ...' and 20-21: '... sub uili tugurio sanctificate domus'

permaximam miro ligneo tabulatu aecclesiam' (13. 25-26). Moreover, the *Passio*, which refers to Bury by its Latin name only whereas Abbo had provided both Latin and English names,²¹ states that a king was among those who translated Edmund's body to the town: 'rex et alii qui corpus beatum tran[s]ferebant' (91-92). Now Abbo had made no mention of a king when telling of the translation,²² but it is possible that his description of Bury as a *villa regia* has given rise to the *Passio*'s inclusion of a king in its account of these events.

91-109 The people who carried out this translation actually saw the martyr's body and found that, in spite of the passage of time and the manner of his death, it was uncorrupted and, with the exception of a thin red line around the neck, quite unmarked by any wound. Edmund lay at Bury attended by a holy woman who, every Holy Thursday, would open the tomb, trim his hair and nails and place the trimmings as relics on the altar. The author follows Abbo 14. 20-21 in asserting that these can be seen there to the present day. Apart from the *Passio*'s not naming the holy woman, who is called Oswen in Abbo 14. 11, the two accounts are here very close in both content and expression.

109-122 Eight men plotted to break into the church where the king's shrine stood, for, over the years, it had been the object of many valuable gifts and donations. They gathered one night with the tools appropriate to their purpose and were setting about their nefarious scheme when they were suddenly paralysed by the power of the saint in the very act of breaking in and held there, motionless, until the morning. The shrine's guardian had similarly been struck down and, although he could hear the noise of their attempts at entry, he could neither move to forestall them nor even call out for help. The next morning the robbers were discovered *in flagrante delicto* by the people and, with the assent of a judge who is not named, put to death.

The two accounts of the robbery itself do not differ to any marked degree but, whereas in the *Passio* the robbery and its outcome provide a demonstration of the miraculous power wielded by St. Edmund, Abbo had related it in the context of a further verification of the preservation from corruption of the saint's body — indeed as the prime cause of this verification — made by no less a person than Theodred, bishop of the province.²³ Following his statement that Theodred had witnessed the miraculous preservation of the body Abbo moves to narrate, at greater length but in essentially the same detail, the abortive attempt at robbery by the eight and its fatal consequences for them. According to Abbo, the judge who ordered their execution was this same bishop Theodred, who, as Abbo comments at some length, citing excerpts from the Bible and canon law to support

21 13. 22-25: 'Quibus rebus permota eiusdem prouinciae multitudo, non solum uulgi sed etiam nobilium, in uilla regia quae lingua Anglorum Bedricesgueord dicitur, Latina uero Bedricicurtis uocatur'

22 Cf. n. 21 above.

23 15. 1-4: 'Sed et beatae memoriae Theodredus, eiusdem prouinciae religiosus episcopus, qui propter meritorum prerogatiuam Bonus appellabatur, quod de incorruptione sancti regis diximus tali ordine est expertus.' This reference may be to Theodred, bishop of London in the first half of the tenth century, who also controlled a see in Suffolk. (Cf. D. Whitelock, *English Historical Documents* 1 (London, 1955), pp. 509-11.)

his view, had fallen into very great error in passing such a sentence. Theodred himself subsequently came to realise this and was overcome with deep remorse. After doing penance, the contrite bishop humbly opened the martyr's shrine, washed the uncorrupted body and vested it in new and splendid garments before placing it once more back in its resting place.

Neither Theodred nor his verification of the uncorrupted state of Edmund's body receives any mention in the *Passio*. The work narrates the robbery in detail similar to that found in *Abbo* but none of the consequences that had been presented in the earlier work.

122-137 There is, however, mention of a bishop, although he is not referred to by name, and of his verification of the uncorrupted state of the saint's body in the following section of the *Passio* where the tale is told of a rich and arrogant young man who, a hundred years later, having heard the story of Edmund's martyrdom and of the miraculous preservation of his body, decided to see this for himself. In spite of the opposition and warnings expressed by the bishop of the area and his own companions he insisted on the tomb's being opened, peered in, immediately went insane and eventually died in the direst of poverty, consumed by worms. The bishop, who was among the reluctant witnesses of the opening of the shrine, saw the body in its state of perfect preservation before resealing the tomb.

This story of the young man's temerity and of the fatal consequences of his gazing unworthily on the saint's body is basically that related in *Abbo* 16. 1-15, except that *Abbo*, who does not mention any lapse of time between these events and those preceding, had stated that the young man, who is not named in the *Passio*, was called Leofstan and that he was the son of a certain Aelfgar, of whom there is no mention in the *Passio*, a holy and devout man who was so shocked by his son's presumption that he rejected him and left him to die alone, impoverished and consumed by worms. *Abbo* continues (16. 15-27) with an account of the sudden death in similar circumstances of seven men who, in the course of a presumptuous attempt to translate the remains of St. Lawrence the Martyr, had gazed unworthily upon the saint's body, before commenting that it can be seen from the fate that befell Leofstan that Edmund is not inferior to St. Lawrence in either power or merit. *Abbo* ends this section of his work with the statement (16. 27-37) that Edmund's soul is undoubtedly in heaven in the company of the souls of the other saints and, like them, frequently visits the body whose sufferings had ensured its salvation and with which it will be reunited on the Day of Judgement.

Thus, whereas *Abbo* had interpreted Leofstan's death as a further indication of the undoubted sanctity and power of Edmund, the *Passio* narrates it as being the cause of the verification of the miraculous preservation of the saint's body made by no less a person than the bishop of the region. It would seem that in this the author of the *Passio* is echoing *Abbo*'s account of the verification made by Bishop Theodred as a result of the attempted robbery of the martyr's shrine (15. 1-4, 54-63) of which there had been no mention in the corresponding section (109-122) of the *Passio*.

137-141 The *Passio* concludes with this short, eight-line rhymed prayer

Eadmundus in agone,
Celo figens lumina,

Regni spreuit culmina
Melioris spe corone.

Nunc testibus miraculis
Regnat celi solio,
Cuius intercessio
Subueniat populis.

Amen

whereas, in the final section (17) of his account, Abbo praises the chastity of the king, as evidenced by his uncorrupted body, and urges his readers to cultivate and invoke Edmund as their guide and protector.

The *Passio* thus follows closely the general structure and content of Abbo's longer and more consciously literary work and, on occasions, even reproduces passages from *Abbo* practically word for word. The most marked difference between the two lies in a certain amount of confusion over the outcome of the attempted robbery of the saint's shrine and of the brash young man's insistence upon seeing the saint's body, while there is also minor confusion regarding both the nature of the structure which covered the grave in which the king was first laid and the people who accomplished the translation of his body to Bury St. Edmunds. As is to be expected in a shorter work, many background details (as, for example, the history of the Germanic settlement of England, the 'Saxon' settlement of East Anglia, Edmund's 'Saxon' ancestry, the description of the riches of East Anglia) and passages of abstract reasoning or general circumstantial comment with which Abbo had filled out and embellished his account have not been reproduced in the *Passio*, which also omits all mention of certain characters present in *Abbo* and of the events associated with them. In the case of Aelfgar, father of Leofstan, the omission is of no real importance to the central story line, but in making no reference to Hubba, co-leader of the Danes and instigator of their initial attack upon Northumbria, the *Passio* has omitted a character and events that figure largely and consistently in the 'Edmund saga'. On several occasions proper names provided by Abbo have not been retained in the *Passio*, whether they refer to people (Oswen, Theodred, Leofstan) or places (Haeglesdun). In the case of the town of Bury St. Edmunds, the *Passio* has retained the Latin 'Bredrecicurtis' but not the local 'Bedricesgueord' which was also provided by Abbo, while the name of the province over which Edmund ruled, given as 'Eastengle' in *Abbo*, has become simple 'Angle' in the *Passio*.

The fact that the *Passio* was produced in the north of France may explain the omission or alteration in that work of names of people and places whose Anglo-Saxon ring would have had little significance or relevance for Continental readers. Comparison of the work with that of Abbo has brought to light no real contradictions or fundamental disagreement, while the points of difference that

have been noted can generally be attributed to the difference in length of the two works or to the differing literary abilities or aspirations of their authors. Indeed, when due account is taken of the very real similarities in content, structure and, at times, expression of the two, it seems highly unlikely that the author of the *Passio* has followed any source other than *Abbo*.

Based closely as it is on *Abbo*, the *Passio* has little to offer the student of history or even, it must be admitted, of style. The work is, however, of definite interest to the hagiographer, to students of the 'Edmund saga' of which it constitutes a further and hitherto unknown element, and to the student of the cult of this saint. Now, the earliest written record testifying to the cult of Edmund is *Abbo's* tenth-century account of his martyrdom although coin evidence indicates that he was already being honoured as a saint not much more than twenty years after his death.²⁴ *Abbo* was followed by, and was, in the majority of cases (as with the *Passio*), the principal source of an ever increasing number of works dealing with the martyrdom of the saintly East Anglian king. These were inspired by and, in their turn, further inspired the rapidly growing cult of the saint, a cult which did not long remain restricted to East Anglia or even to England but spread much wider: to Scandinavia,²⁵ to Ireland,²⁶ throughout Europe²⁷ and even beyond.²⁸ Given the close contact between England and France over the course of

24 Cf. C. E. Blunt, 'The St. Edmund Memorial Coinage', *Proceedings of the Suffolk Institute of Archaeology* 31 (1970) 234-55.

25 There is mention of Edmund in the Odense Breviary (cf. H. G. Leach, *Angevin Britain and Scandinavia* (Cambridge, Mass., 1921), p. 79) while, possibly as a result of Bishop Eystein of Norway's stay in 1181 at Bury St. Edmunds, Norwegian churches such as those at Vannelven and Lurö were dedicated to the martyr (cf. *ibid.*, p. 94). Most authorities now agree that the tradition of a lost Icelandic saga of the saint which stemmed from Ari Thorgilsson's reference to a 'saga' of St. Edmund in his *Íslendingabók* is unsound and that Ari was referring to *Abbo* or to Aelfric (cf. O. Wilding, H. Bekker-Nielsen, L.K. Shook, 'The Lives of the Saints in Old Norse Prose: A Hand-list', *Mediaeval Studies* 25 (1963) 308).

26 Edmund's feast is noted in the *Martyrology of Gorman* (c. 1166-1174); cf. W. Stokes, ed., *Martyrology of Gorman* (Henry Bradshaw Society 9; London, 1895). MS. Bodley 240 mentions the establishment by William de Burgo c. 1182 of a monastery of Augustinian Canons at Athassel (Co. Tip.) dedicated to Sts. Edmund and Mary; cf. C. Horstmann, ed., *Nova legenda Anglie* 2 (Oxford, 1901), p. 688: 'Circa annum domini 1182, dominus Willelmus de Burgo filius comitis Canticie, fundauit monasterium canonicorum nigrorum in territorio de Atheschille in Hibernia, in honore sancte Marie et sancti Edmundi regis et martiris', and also A. Gwynn and R. N. Hadcock, *Medieval Religious Houses: Ireland* (London, 1970), p. 157.

27 The chapter library at Lucca has two copies of *Abbo's* work (cf. M. R. James, *On the Abbey of St. Edmund at Bury* (Cambridge Antiquarian Society, Octavo Publications 28; Cambridge, 1895), p. 139) probably brought there c. 1071 by Abbot Baldwin on his journey to Rome. Baldwin also set up an altar to the saint in the church of St. Martin in Lucca and Archdeacon Herman of Bury relates a miracle performed there (cf. *Memorials* 1. xxxii, 68-69). There is reference to some occurrences of Edmund in German art in M. E. Porter and J. H. Baltzell, 'The Old French Lives of Saint Edmund, King of East Anglia', *Romanic Review* 45 (1954) 87 n. 27.

28 MS. Bodley 240 tells of a soldier who in 1190 fell ill at the siege of Acre but recovered after invoking Edmund (cf. *Memorials* 1. 372) and also relays a letter written in 1220 by Richard de

the Middle Ages it is not surprising that evidence of devotion to Edmund in the latter country is strong, varied in nature and relatively early in date. Included in the compilation *De miraculis sancti Eadmundi* written by Archdeacon Herman of Bury c. 1100²⁹ are accounts of how a Norman was saved from shipwreck by Sts. Edmund and Nicolas while transporting a relic of Edmund to Abbot Baldwin of Bury St. Edmunds who was in Normandy at the time;³⁰ of how the same Norman later recovered the possessions which had been stolen from him at Barfleur by invoking the saint, and then, under Edmund's protection, successfully crossed a dangerous ford;³¹ of how Warner, abbot of Rebais, was robbed of all his possessions, including a relic of the saint, in Ponthieu near St. Riquier when returning from a visit to Bury St. Edmunds but, by a miracle, recovered the relic.³² A thirteenth-century window in Amiens cathedral depicts the saint³³ and, in the middle of the same century, a life of Edmund based closely on *Abbo* was written in Old French prose and included in a *légendier* produced very probably in Artois.³⁴ The martyrdom of Edmund is also the subject of the brief 'Comment le roy saint Emond trespassa par martire' written in Norman-Picard prose of the late fifteenth century and found in Pierpont Morgan MS. M. 484, fols. 120v-121r. The *Passio* printed below from a thirteenth-century collection of lives and miracles of saints produced at Soissons provides yet further evidence of the extension to France, and more especially to its northern regions, of the cult of St. Edmund, king of East Anglia.

* * *

In the text that is printed here the layout and orthography of the MS. have been faithfully followed except for an occasional case of word division, the introduction of modern punctuation and capitalisation and, in the case of *Ungues* 104, the printing of MS. *V* as *U*. Scribal *u* has, however, been retained. Where possible, abbreviations have been expanded according to the spelling of the word

Argentin to his kinsman Richard de l'Isle telling him of his institution at Damietta of a church dedicated to the saint and of a miracle that occurred there (cf. *Memorials* I. 376-77).

²⁹ Cf. *Memorials* I. xxviii-xxix, and, for the text, 26-92.

³⁰ *ibid.*, pp. 72-73.

³¹ *ibid.*, pp. 73-74.

³² *ibid.*, pp. 69-72.

³³ Cf. L. Réau, *Iconographie de l'art chrétien* 3 (Paris, 1959), p. 411.

³⁴ The life has been edited from Paris, Bibliothèque Nationale MS. fr. 17229, fols. 222r-230v by L. B. Richardson, '*La vie seint Aymon*', the *Old French Prose Version of the Life of St. Edmund, King of East Anglia* (Diss. Columbia, 1967). The editor states on pp. iii, v and vii of her introduction that this is the sole MS. copy of the life. There are, however, at least two other copies of the life in existence, and found in the Paris MSS. Bibliothèque Nationale anc. pet. f. fr. 23117, fols. 219r-227r and anc. f. fr. 413, fols. 169v-176r.

in question when written out in full elsewhere in the MS. text; where this has not been possible, conventional expansions have been employed. Letters printed in [] are either additions to or substitutions for the MS. reading. Apart from the cases of the addition of a single letter, all modifications to MS. readings have been listed and commented on in the textual notes.

- 104vb *Passio beati Eadmundi regis [et] martyris.*
 Angle propter aliquam causam uocatur
 quedam pars Anglie. In hac regnabat
 fidei Christiane cultor et totius sanctitatis uir
 Eadmundus, mente sagax, manu for-
 5 tis, vultu decorus, terram suam confirmis-
 sima pace possidens. Huic inuidens ho-
 stis antiqu[u]s sicut Job et hunc temptare
 uoluit ut, si forte dum tot affligeretur
 105ra angustis, a Domino cor eius rece-
 10 deret, sic periret. Suscitauit ergo contra eum
 hostem quemdam malorum omnium pessi-
 mum nomine Hinguar. Hic gentilis
 erat pirata, in partibus ulterioribus oriun-
 dus, et furto uiuens et rapina et Christia-
 15 norum sanguinem super omnia omnibus
 feris deterior sitiebat. In comitatu huius
 erat gens pessima et bellorum inuida,
 cui moris erat carnes crudas
 etiam humanas comedere. Hic igitur cum
 20 maxima nauium multitudine et innu-
 mera infidelium plebe piissimi re-
 gis Eadmundi terram ingressus est. In-
 cendunt, predant, occidunt, uastant. In-
 terea Hinguar, quemdam de suis conuocans,
 25 ut ad sanctum regem properet imperat, et ut
 ei hec eadem uerba proferat iniungit: 'Hyn-

1 MS. *A* angle with a capital *A* indicated to the rubricator by a small *a* in left-hand margin 4 *manu*: MS. *manū* 9 *cor* followed immediately by an erasure with traces of a *p* still visible; original *corpus*? 13 *ulterioribus*: MS. *ult'iori* with the termination *bz* cramped and squeezed in later 18 MS. *nudas* expunged before *crudas*

- guar dominus noster et terra marique metu-
 endus, [c]ui ipsa etiam fauent elementa, ad
 optatum tue prouincie portum hiematu-
 30 rus applicuit. Mandatque tibi ut ips[*i*] su-
 isque antiquos thesauros et paternas
 diuitias sub eo regnaturus diuidas.
 Quod si nolueris uita priuaberis et
 regno. Et qui es ut tanto regi possis contra-
 35 ire?' Hiis auditis rex pius ingemu-
 it uocansque quemdam episcopum quid nuntio res-
 pondere debeat consuluit. Episcopus multis
 exemplis ut ei obediret ammonuit ut
 ueniret quia et si aliter faceret morere-
 40 tur. Quod cum rex sanctus omnino renueret di-
 ceretque se pro iusticia paratum cum populo suo
 105rb mori et non piratis obedire dignum mor-
 te nuntium liberum cum responso suo remisit.
 Vix nuntius domum exierat cum ecce [s]atel-
 45 lites Hynguar domum intrant regi-
 am, regem apprehendunt, flagellant,
 liguant, traunt, et ut breuiter dicam,
 sicut ante Pilatum et sic et iste coram Hyn-
 guar ductus est. Tamdem ligatus ad
 50 arborem et ut obediret amonitus, so-
 li Christo se lacrimosis uocibus ob[e]dire di-
 cebat. Flagellatur igitur, et ab omnibus sa-
 gittis et iaculis configitur ita ut quasi hy-
 ricus setis ita sagitis obsitus appar[e]ret.
 55 Tirannus uero uidens eius constantiam
 capud eius iubet amputari. Quod cum
 factum esset, apprehensum corpus in silua
 densissima [d]erelinquerunt, caput
 uero alibi ne a Christianis inueniretur
 60 portantes. Huic spe[c]taculo quidam Christianus
 absconditus affuit quem Deus forte reser-

27 *et terra*: the only occurrence of *z*; *et* elsewhere in the MS. is consistently rendered by
 7 28 Paragraph sign in left-hand margin written as continuation of descender of *g*, the initial
 letter of the line above; *cui*: MS. *qui*; *ipsa* written suprascript 30 *ipsi*: MS. *ipse* 44 *ecce*:
r-stroke placed suprascript in error; *satel/lites*: MS. *fatel/lites* 54 *appareret*: MS. *ap-*
pariret 56 MS. *que con* barred following *Quod cum* 58 *derelinquerunt*: MS. *rerelinquerunt*

- uauit ut post tempestatem illam sanctum
corpus Christianis reuelaret, de capite quid
fecerint penitus ignorans. Igitur
65 post recessum Hinguar pauci qui
remanserant Christiani inuento corpore
tristabantur pro capite. Statuunt
ergo totam siluam illam inuestigare et
sese inuicem lituis reuocare. Dumque
70 ita facerent, de dumo densissimo
apperuit Dominus linguam regis — [i]dem
qui fecit asinam loqui ut Balaam du-
ritiam increparet. Clamabatque lin-
gua de capite secundum idioma illius terre:
105va 75 ‘Hire! Hire! Hire!’ quod dicere est Lati-
ne: ‘Hic! Hic! Hic!’ Nec hoc dicere
cessauit quousque omnes se querentes
ad se uocauit. Ibi aliut stupendum
uisum est miraculum. Lupus enim intra
80 pedes suos [san]ctum capud seruabat et
ex quo ibi iactatum fuerat, sicut
leones Daniele[m], inta[c]tum serua-
uerat. Gaudentes igitur caput ad corpus
reportant sequente lupo. Sepelien-
85 tes uero super sepulcrum basilicam
li[g]nei operis construxerunt. Post hoc annis
pluribus elapsi[s] Deoque semper ibi
mira operante, crescente credentium
numero, in celebriori loco qui Bre-
90 drecicurtis dicitur translatum est corpus
eius. Cum enim rex et alti qui corpus be-
atum tran[s]ferebant per tot annorum
curricula putrefactum crederent, in-
corruptum et uiuenti simile, plagas
95 sanatas, caputque recumpaginatam
corpori ac si nonquam truncatum fuisset in-
uenerunt, excepto quod in collo et in

65 *recessum*: MS. *aecessum* with initial *a* subsequently changed to *r* 69 Paragraph sign in
left-hand margin written, as in l. 28 above, as a continuation of the *g* of *ergo* 68 71 *idem*:
MS. *isdem* 80 *pedes*: MS. final *s* added suprascript later; *sanctum*: MS. *fēm* 82 *intactum*:
MS. *intantum* 84 *lupo*: MS. *solupo* with *so* erased 87 *elapsis*: MS. *elapsit*

- locis plagarum riga tenuis appare-
 bat ad modum fili coccinei. Multi-
 100 er quedam religiosa, in uigiliis, ieiu-
 niis et orationibus et elemosinis ad sepul-
 crum sancti regis dum iuxta recubans, soli-
 ta erat eius tumultum die cene Domini
 singulis annis aperire. Ungues uero
 105 et capillos eius, qui tamquam uiueret
 crescebant, coram populo resicans super
 altare pro reliquiis reponebat
 105vb qui usque nunc in eadem ecclesia reseruan-
 tur. Cum ad campcellam eius deco-
 110 randam auri et argenti plurimum ab
 utri[u]sque sexus populis offerretur, ut
 illud furarentur de nocte ecclesiam
 sancti octo latrones agressi sunt. Qui sicut
 tenebant unus scalam, alter limam,
 115 alter celebrum, alique alia utensilia
 que furto apta sunt, ita a sancto uincti sunt
 vt donec illucesseret dies mouere
 non possent. Custos quoque ecclesie uinctus erat
 a Deo ut cum ictus audiret furentium nec
 120 se mouere poterat nec clamare. Inuenti
 igitur latrones mane a populo consentiente
 iudice affixi sunt patibulis. Post hec
 annis .c. vel eo amplius elapsis, cum ea que
 scripta sunt supra recitarentur a populo,
 125 quidam prediues et superbus ut corpus beati
 Eadmundi conspiceret capcellam eius pre-
 cepit apperiri. Quod cum episcopus loci renueret et
 etiam ipsi comites ne hoc fieret inhiherent,
 ille tamen perseuerans capcellam app[e]-
 130 ruit. Vidus et amens factus et deinde pauper
 tandem uermibus plenus interiit. Episcopus

98 *tenuis*: MS. *tenuit* with final *t* then changed to *s* 104 *Ungues*: MS. *Vngueses* with final *es* erased 106 *populo* added in right-hand margin with a *signe de renvoi* following *coram* 109 *campcellam*: MS. *c* suprascript over the second *c* in the word to clarify (?) the reading; *eius* deleted between *eius* and *decorandam* 117 *illucesseret*: MS. second *c* added suprascript before *-eret* 119 MS. *cum* added suprascript 129 *appe/ruit*: MS. *appa/ruit*

uero et alii qui aderant corpus integrum
et incorruptum intuentes et uiuenti si-
mile sicut] superius scripsimus capsellam
135 recluserunt. Et sic ibi beatus rex et martir
Eadm[u]ndus expectat beate resurrectionis
diem. Per. Eadmundus in agone, celo figens
lumina, regni spreuit culmina meli-
oris spe corone. Nunc testibus mira-
140 culis, regnat celi solio cuius interces-
106a sio subueniat populis. Amen.

University of Auckland.

134 *sicut*: MS. *sicus* 136 *Eadmundus*: MS. *eadmandus*

GRADUATION SPEECHES OF GENTILE DA FOLIGNO

Carl C. Schlam

GRADUATION addresses are perhaps not always the most memorable of speeches. Ten such *sermones*, however, of Gentile da Foligno, a celebrated physician of the fourteenth century, are preserved in MS. Vat. lat. 2470¹ and merit some attention, for they provide further documentation of Gentile's career and reveal the names of eleven of his students. Examples of such speeches from the medieval period are rare, and none, insofar as I have been able to determine, have been edited or studied in the literature on the history of universities or of graduation ceremonies. The form of these speeches illustrates the rhetorical

1 Vat. lat. 2470, a collection of medical texts written by various hands in the fifteenth century, consists of 291 folios, with the omission of fols. 163-168 and 184-190. The MS. is briefly described by P. Micheloni, *La medicina nei primi tremila codici del Fondo Vaticano Latino* (Rome, 1950), pp. 72-74, and P. O. Kristeller, *Iter Italicum* 2 (Leiden, 1967), p. 350. The index, bound into the front of the volume, gives a somewhat incomplete and inaccurate account of its contents. Fols. 1-162 contain works of James of Forlì, Giles of Corbeil and Thomas del Garbo. There is the following subscription on fol. 162:

Explicit commentum editum a Thoma olim Dini famosi medici super libro de differentiis februm Galeni. Ast per me Iohannem Theodrici Zandt de Brabanti de Breda scriptum ac finitum est commentum currentibus annis domini MCCCCLV die IX Aprilis hora fere XX. Laus deo, pax vivis, requies defunctis. Amen.

The works of Gentile begin, in a different hand, on the next leaf, numbered 169, and occupy the remainder of the volume. Fols. 169-182v contain twelve *sermones*, a treatise, not noted in the index, which begins at fol. 180va⁴⁷ with the words 'quod nervi oriantur a cerebro', and four *consilia*. Fol. 183r-v is blank. A collection of thirty-one *quaestiones* and *consilia*, copied by several hands, begins on the next leaf, numbered 191. The index omits the *quaestio* 'Utrum omne mixtum recedat ab equalitate ad pondus' (fols. 283v-290).

The twelve *sermones* are not numbered in the MS. The text is frequently corrupt but is not known to be preserved in any other MS. The *sermones* were identified by Kristeller as graduation speeches but the last two are not of this type. There is no mention in them of a *conventus*, a candidate or insignia. Their incipits are: (fol. 178vb⁵⁷) 'Divini ordinis proprietas super omnia sua pertingit'; (fol. 179vb³⁸) 'Laus sit deo glorioso et sublimi'. In this article the abbreviation *S.* is used for *sermo* and *Ss.* for *sermones*.

modes of the period. The range of authorities cited by Gentile reveals the broadening of the scholastic tradition during the period of the early humanists. In particular, Gentile quoted from the literary works of Apuleius which were beginning to be circulated in this period. I append to this study an edited text of one of the *sermones*.

Gentile was one of the best-known physicians of his time, and his medical writings continued to be widely used through the sixteenth century.² Scholastic, theoretical considerations predominate in his commentaries, especially on the works of Avicenna, and *quaestiones*.³ *Consilia*, discussions of specific medical cases, had begun to be written, perhaps by his teacher Alderotti. The numerous *consilia* of Gentile, however, reveal an expanded attention to clinical practice.⁴

Gentile was born in Foligno, in Umbria, south of Perugia, in the later years of the thirteenth century, but the exact date is not known.⁵ He studied in Bologna under Taddeo Alderotti before 1300 and may have begun teaching in that city. The earliest stage of his career that can be documented is his teaching in Siena from 1322 through 1324.⁶ In 1325 he was invited to Perugia by the Priori, who gave him a house near the church of S. Agostino,⁷ and he remained teaching

2 On the significance of Gentile and his writings see L. Thorndike, *History of Magic and Experimental Science*, 6 vols. (New York, 1923-41), 3.233-52, and G. Sarton, *Introduction to the History of Science*, 3 vols. (Washington, D. C., 1927-48), 3.848-51. P. Lugano, 'Gentilis . Fulginas . Speculator, e le sue ultime volontà secondo un documento inedito del 2 agosto 1348', *Bollettino della Deputazione di storia patria per l'Umbria* 14 (1908) 195-260, appends to an important biographical essay on Gentile a catalogue of printed editions of his works.

3 There is no modern study of Gentile's commentaries. 'In questione qua queritur an sit licitum provocare aborsum' (Vat. lat. 2470, fol. 240r-v) was edited and discussed by R. Schaefer, *Archiv für Naturwissenschaft* 6 (1915) 321-28. 'De tempore partus', published by K. Leonhardt, *Eine Abhandlung des Gentile de' Gentili da Foligno über die Schwangerschaftsdauer* (Diss. Leipzig, 1917), appears in Vat. lat. 2470, fols. 209v-210.

4 The *Consilium ad morsum serpentis* (Munich, Bayerische Staatsbibliothek Clm 77, fols. 79v-80) has been published by L. Thorndike, 'A Case of Snake-Bite from the *Consilia* of Gentile da Foligno', *Medical History* 5 (1961) 90-95. This *consilium* is also found in Vat. lat. 2470, fols. 278v-279v. On the *consilia* see further L. Thorndike, 'Consilia and More Works in Manuscript of Gentile da Foligno', *Medical History* 3 (1959) 8-19.

5 The best recent biographical discussion is P. Pizzoni, 'I medici umbri lettori presso l'Università di Perugia', *Bollettino della Deputazione di storia patria per l'Umbria* 47 (1950) 16-24. See also G. Ermini, *Storia dell' Università di Perugia* (Bologna, 1947), pp. 148-50, republished in an expanded version (Florence, 1971), pp. 172-76.

6 G. Cecchini and G. Prunai, *Chartularium Studii Senensis*, vol. 1: 1240-1357 (Siena, 1942), include receipts for the moving of Gentile's books and other baggage to Siena in April 1322 (p. 210) and some ten receipts for the payment of his salary by the commune (p. 239 et al., see index), the last of which is dated June 1324 (p. 313).

7 Pizzoni, 'I medici', 19; A. Rossi, 'Documenti per la storia dell' Università di Perugia', *Giornale di erudizione artistica* 5 (1876) 52.

there, perhaps with interruptions. There is documentation for his teaching in Perugia from 1338 to 1348.⁸

Two incidents connect Gentile with Padua, but the reports of his studying and teaching there are unfounded.⁹ He was summoned to treat Ubertino Novello da Carrara, sometime after the latter became lord of Padua in 1338. Pier Paolo Vergerio (d. 1428) reports this in his life of Ubertino, and goes on to tell how Gentile advised that the medical school in Padua would be benefited by sending twelve Paduans to study in Paris and inviting twelve Parisian students to Padua.¹⁰ That Ubertino followed this advice at least in part is confirmed by the names of Paduan students entered in the records of the University of Paris.¹¹ There is a further report by Michele Savonarola in his *Commentariolus de laudibus Patavii*¹² that Gentile visited the studio in Padua of the famous physician Pietro di Abano (d. 1385) and, as he entered, uttered the words 'Ave, templum sanctum'.

The Black Death struck Italy with destructive fury in 1348 and Gentile was active in treating the disease. His long *consilium*, one of the earliest medical treatises on the plague, is the work of his that has received the most attention from scholars.¹³ Gentile himself succumbed to the plague in June 1348. His body was brought to Foligno for burial.

The *sermones* of Vat. lat. 2470 fit in and amplify the other evidence on Gentile's career at Perugia. A marginal note in the MS. (fol. 172v) identifies the fifth speech as delivered in 1341. We cannot date the others precisely. None of the names of the students addressed, however, appears on the list of medical students matriculated in 1339,¹⁴ and the speeches seem likely to have been delivered in the

8 The *Matricola dei dottori e scolari dello studio di Perugia dell' anno 1339*, which shows Gentile teaching there at this time, was published by G. Padelletti, *Documenti inediti per servire alla storia delle Università italiane: contributo alla storia dello studio di Perugia nei secoli XIV e XV* (Bologna, 1872). This document is reprinted by Rossi, *ibid.*, 176. Rossi (310) collects some passages in MSS. of Gentile which record his teaching at Perugia between 1342 and 1348. The explicit to the *quaestio* 'An calor in puero et in iuvene sit equalis in radice' (Vat. lat. 2470, fol. 223) extends this evidence, for it reads: 'Questio generaliter disputati perusii anno domini 1338 die III Octobris secundum Magistrum Gentilem de Fulgineo'.

9 There is no mention of him in the records of the university published by A. Gloria, *Monumenti della Università di Padova (1318-1405)* (Padua, 1888). Although the assertion of V. Bini, *Memorie istoriche della perugina Università, degli studj e dei suoi professori* (Perugia, 1816), p. 156, that Gentile had taught at Padua was shown by Padelletti, *ibid.*, p. 6, to be a mistaken inference from Vergerio, it has persisted in some of the literature: e. g. Sarton, *History of Science* 3.848 and N. G. Siraisi, *Arts and Sciences at Padua: The 'Studium' of Padua before 1350* (Toronto, 1973), pp. 149-50.

10 Quoted by Lugano, 'Speculator', 198 n. 1.

11 P. Kibre, *Scholarly Privileges in the Middle Ages* (Cambridge, Mass., 1952), p. 65 and n. 54; Siraisi, *Arts and Sciences*, p. 150 and n. 38.

12 Quoted by Lugano, 'Speculator', 198 n. 2.

13 L. Thorndike, *History of Magic* 3.241-45; K. Sudhoff, *Archiv für Geschichte der Medizin* 5 (1911-12) 83-87, 332-40, 396. Several shorter plague treatises are also attributed to Gentile.

14 See above, n. 8.

period subsequent to this. Perugia is specifically referred to in four of the speeches. Near the beginning of *Ss.* VII and IX the bishop of Perugia is listed as part of the august convocation, while in *Ss.* IV and V the recipients of the degree are said to have studied in the *Studium Perusinum*.

Marginalia in the MS. record the names of the candidates honored in eight of the speeches, along with their cities of origin. The index, later bound into the front of the volume, reports these, albeit with numerous errors. The two remaining names can be recovered from the text of the speeches, but not their cities of origin. The complete and corrected list of candidates is as follows:

- | | | |
|----|------|--|
| S. | I | Massaratus de Tuderto |
| | II | Jacobus de Roma |
| | III | Lucas de Sancto Gemino |
| | IV | Bernardus de Spoletto |
| | V | Thomas de Urbino and Robertus de Cetilia |
| | VI | Martinus de Senis |
| | VII | Leonardus |
| | VIII | Jacobus de Firmo |
| | IX | Xantorus |
| | X | Albertus de Tuderto. |

The *sermones* were delivered as part of the *conventus*, a public examination at the conclusion of which a candidate was awarded the *insignia doctoralia*.¹⁵ The course in medicine at Perugia seems to have required seven years of attendance at lectures and study of specified texts. This was reduced to five years for those who demonstrated sufficient preparation in logic and philosophy.¹⁶ When the student had satisfied his master that he was ready, he was presented to the ecclesiastical authorities who awarded the licentiate, which was the permission to proceed to the doctorate. Some students went off at this point, for completion of the doc-

15 On the doctorate at Perugia in the 1300's see Ermini, *Storia* (1947), pp. 94-97, (1971), pp. 115-19. An account of the procedures at Italian universities, based primarily on those of Bologna, is given by F. H. Rashdall, *The Universities of Europe in the Middle Ages*, ed. F. M. Powicke and A. B. Emden, 1 (Oxford, 1936), pp. 221-30. The *conventus* of Italian universities corresponds to the *inceptio* or *principium* of Paris and other northern universities; see Rashdall, I. 227, 284.

An excerpt from the *Summa* of Antonino, archbishop of Florence in the mid-fifteenth century, describing similar steps and ceremonies for receiving the doctorate, is given by L. Thorndike, *University Records and Life in the Middle Ages* (New York, 1944), p. 309. Thorndike (p. 309 n. 1) refers to an oration given on the conferring of an M.D. degree in a MS. of the fifteenth century, Wolfenbüttel Cod. Aug. 2° 83.7, fols. 234-235v. Bentley, in a Latin oration delivered at the Cambridge Commencement of 1725, expounded on the *insignia doctoralia*. It is reprinted with a commentary by J. E. Sandys, 'Ancient University Ceremonies' in *Fasciculus Joanni Willis Clark dedicatus* (Cambridge, 1909), pp. 217-39.

16 Pizzoni, 'I medici', 10; cf. Rashdall, *Universities of Europe* I. 246-47.

torate was an expensive procedure. It was supposed, however, to follow immediately upon receipt of the licentiate.

The candidate had first to pass a private examination by a selected group of *magistri*, which seems to have been the more thorough test of his preparation. The *conventus*, a public, more ceremonial examination, followed. On this occasion the candidate demonstrated his eloquence and learning by presenting a scientific thesis and defending it against questioners. His inauguration thus consisted of a public performance in the role of a complete doctor in the university. This initiation was basically similar to the induction of new members into various medieval guilds.¹⁷ His master, who took the part called *presentator* or *promotor*, responded with a brief complimentary speech, which concluded with the presentation of the insignia. The formal ceremony was followed by a procession and feasting, at the new doctor's expense. In addition, various *bursae* had to be given to his professor and some others at the university.

Gentile gave these speeches as *presentator*, and each concludes with the presentation of the insignia. The *conventus* was held in the Cathedral of San Lorenzo, as was later specified in the statutes of 1366.¹⁸ The place is not mentioned in our texts, but the biretta is said to be taken from the altar. Five insignia are regularly presented, although not always in the same order. They are a book, a kiss of peace, a ring, a blessing and a biretta. In *Ss.* I and III a distinction is made between the awarding of an open book and that of a closed one, thus making six insignia. There is no mention of the new doctor being seated on a special *cathedra*.

The arrangement of material in the ten speeches follows a clear oratorical form, one which is well attested in *sermones* and handbooks, *artes praedicandi*, from the twelfth century on.¹⁹ The art developed from the application and extension of classical, secular rhetoric to the needs of preaching. This distinctive medieval form was built on a *thema*, a citation of text, from which the main ideas of the sermon, usually three, were extracted. In regular ecclesiastic sermons the citation was from Scripture, but on these occasions Gentile draws his *themata* from classical or medical authorities.

The form which Gentile follows is clear but not rigid, and there is variety in the order and treatment of the elements in each part. The principal parts are:

17 Rashdall, *ibid.*, pp. 227-28, 283-87.

18 Ermini, *Storia* (1947), p. 98.

19 H. Caplan, 'Classical Rhetoric and the Mediaeval Theory of Preaching', *Classical Philology* 28 (1933) 73-96, reprinted in *Of Eloquence: Studies in Ancient and Mediaeval Rhetoric*, ed. Anne King and Helen North (Ithaca, N. Y.-London, 1970), pp. 105-34; see further Th.-M. Charland, *Artes praedicandi: contribution à l'histoire de la rhétorique au Moyen Age* (Paris-Ottawa, 1936); J. W. Blench, *Preaching in England in the Late 15th and 16th Centuries* (Oxford, 1964), pp. 71-73.

thema

prothema

invocatio

thematis introductio

thematis divisio (partitio or partium declaratio)

partium confirmatio (delatio)

conclusio.

The basic content of each of the speeches is the same: an address to the audience, the praise of God, the praise of the *sapiens*, and the award of the *insignia doctoralia*. The ideas are expressed in a fairly stable set of *topoi*. The rhetorical artistry displayed is that of *inventio*, of finding the arguments most suitable for the particular candidate and occasion.

In most of the speeches Gentile remarks on the style and form of his discourses. He often presents the commonplace that he is rejecting the rhetorically elaborate style in favor of simplicity and clarity. He acknowledges, however, the goal of artistic embellishment, to make assertions attractive that they may slip more easily into the minds of the hearers. In *S. IV* Gentile refers to a previous speech in these terms (fol. 171rb55):

priedierne sermocinacionis mihi pusillo venusta maneries visa, quibusdam eloquencie floribus septa, mirifice ac magnifice salibus rethoricis circumfusa, quibus inlecebre audientium animas inlabeba<n> tur.²⁰

In commenting on the thematic form he is using, Gentile uses an analogy known in the rhetorical handbooks. He compares the divisions of the *thema* to the branches of a tree (*S. VII*, fol. 174vb48):

quandoque cum propositione multipliciter subdivisa ad formam decore comate arboris, ad coequales minutos ramisculos accedebam.

The *themata* provide the terms in which *topoi* concerning the excellences of *sapientia* or the *vir scientificus* are elaborated in the main body of the speech. In all but two of our speeches the *thema* consists of a single *auctoritas* or proposition. In *S. IX* two propositions are presented, in *S. VII* three. The *themata*, which constitute the incipits of the speeches, together with their sources as given in the manuscript, are as follows:

- I (fol. 169ral) Massar<i>us Albinus causam suam aliter exponit, phylosophus Macobius Saturnalium libro gesto[to]rum 3, 1 capitulo.²¹

20 In the citations from the *sermones* the spelling reproduces that of the MS.

21 Macrobius, *Sat.* 3. 6. 11. The restatements of the theme give the form 'Massarius'.

- II (fol. 169vb40) Sum homo Romanus, Machobrius ad Eustichium in libro qui dicitur Cena Phylosophorum prohemiali capitulo.²²
- III (fol. 170va39) Munda tunica induta est et subtilis, Galenus in libro de utilitate partium hominis 4 libro 11 capitulo.²³
- IV (fol. 171rb52) Grandis et rectus es, hec te volo tenere, sic ire, Seneca 43 epistula ad Lucillum, illa librum tuum etc.²⁴
- V (fol. 172vall) Tonus et robur custodiatur, colligitur hec auctoritas a Galeno 11 libro methodi curativi 15 capitulo.²⁵
- VI (fol. 173vb20) Lector actende et letaberis, Apulegius Lucius phylosophus Platonius in Methamorphoseos 1 capitulo.²⁶
- VII (fol. 174vb33) Dei nomen est in secula benedictum, Averroes in theorica canticorum super 256 cantico commento;²⁷ ad summum pervenit qui s<c> it quo gaudeat, qui felicitatem suam in alie<n>a potestate non posuit, Seneca 23 epistula ad Lucillum, illa putas me tibi scripturum;²⁸ hec te volo tenere sic ire, Seneca 43 epistula ad Lucillum, illa librum tuum.²⁹
- VIII (fol. 175vb50) Bibe concam que asportatur a sancto Iacobo. Formatur hec propositio ex dictis principis Abohali in Canone, libro 3, parte 21, tractatu 3, 2 capitulo.³⁰
- IX (fol. 176va54) Reversus sum ad sacerdotem et accipiens aurum et res alias necessarias licenciatus sum, Tesalus in libro ad germanum Claudum ultimo capitulo;³¹ is inveniatur sanc-

22 *ibid.*, praef. 14.

23 I have not been able to locate the precise words in printed versions of this work. Galen, *De usu partium corporis humani*, trans. Niccolò da Reggio (Lyons, 1550), 4. 9-11, fols. 212 ff., discusses *tunica* as a term for a membrane.

24 Sen., *Ep.* 46. 2.

25 Galen, *Opera* (Venice, 1490), vol. 2, sig. Fr: *De ingenio sanitatis* 11. 15. In the citation as given in the MS. *colligitur* is corrected from *collegitur* and the abbreviated suffix of *cura-* is uncertain. I have used the copy of the Venice, 1490 edition belonging to the Yale University Library.

26 Apul., *Meta.* 1. 1.

27 Avicenna, *Cantica cum Averrois Cordubensis commentariis* 409 bis, trans. Armengaudus de Monte Pessulano (Venice, 1574), 10. 269K.

28 Sen., *Ep.* 23. 2.

29 Sen., *Ep.* 46. 2.

30 As Gentile explains in the *introductio thematis* (fol. 176ra14 ff.), since he was unable to find a suitable *auctoritas* which included the name of the candidate, he put together this proposition. His use of *formatur* in the opening lines suggests that he is not giving a direct citation. I have been unable to document the source.

31 Thessalus, *De virtutibus herbarum*, ed. H.-V. Friedrich, *Thessalos von Tralles* 2 (Beiträge zur klassischen Philologie 28; Meisenheim am Glan, 1968), epilogium 15: 'his autem dictis deus in celum ascendit. et sic reversus sum in media nocte ad sacerdotem et in die crastino recipiens aurum sufficiens mihi et res necessarias licentiatum sum a sacerdote.'

torius, Galenus 3 libro de virtutibus naturalibus 7 capitulo.³²

- X (fol. 178ra12) Accepi aurum et res alias necessarias et licentiatum sum, Tesilus ad germanum Claudum ultimo capitulo.³³

The statement of the *thema* is followed by the *prothema*, corresponding to the *exordium* of classical rhetoric. In the handbook attributed to Henry of Hesse the *prothema* is defined as 'quicquid dicitur inter thema et eius divisionem vel distinctionem'.³⁴ In our examples it usually includes an address to the audience and comments on their dignity, serving the function of a *captatio benevolentiae*. This is sometimes joined to a deprecation of the speaker's ability or more neutral statements on the form or style used.

In four of the speeches a second citation immediately follows the statement of the *thema*. This second proposition is used, however, only in the introductory section and not in the main body of the speech. The prothematic propositions are:

- S. I (fol. 169ra7) Deus est bonum superexcellenter in omnibus entibus speculatum, philosophus Eustracius metropolitanus libro ethicorum 1, 4 capitulo.³⁵
- S. II (fol. 169vb43) Anime vita deus est, Ursonus in libro Afforismorum afforismo 42.³⁶
- S. III (fol. 170va41) Numquam satis perfectum est nisi deum mente conceperis, Seneca, 96 epistula ad Lucillum.³⁷
- S. X (fol. 178ra15) Ratio soli deo est servanda, Galenus in commento Afforismorum, parte 5, commento 37.³⁸

32 I have not been able to locate the source.

33 See above, n. 31.

34 H. Caplan, "'Henry of Hesse" on the Art of Preaching' in *Of Eloquence*, p. 151.

35 Eustratius Metropolitanus Nicaeae, *In Ethicam Nicomacheam* 1. 4 (1095a26-28), ed. H. P. F. Mercken. *The Greek Commentaries on the Nicomachean Ethics of Aristotle, in the Latin Translation of Robert Grosseteste, Bishop of Lincoln* († 1253) 1 (Leiden, 1973), p. 50:

... quamuis praesens sermo non de simpliciter et communi bono ante omnia existente ... superexcellenter autem speculato in omnibus.

The citation of the source in the MS. of Gentile reads 'lib. ep ... corum'; 'Eustracius' appears to have been corrected.

36 R. Creutz, *Die medizinisch-naturphilosophischen Aphorismen und Kommentare des Magister Urso Salernitanus* (Quellen und Studien zur Geschichte der Naturwissenschaften und der Medizin 5. 1; Berlin, 1936), p. 77, *Glosula* 41: 'Quia igitur vita animae Deus est, necesse est, eam, utpote instrumentum Dei, iuxta sui artificis voluntatem ad sui operationes in animali moveri.'

37 Sen., *Ep.* 95. 48.

38 Galen, *In Hippocratis Aphorismos* 5. 38 in *Articella* (Venice, 1487), fol. 33v: 'soli deo servanda est ratio'.

All these citations concern God. The *prothemata*, with or without such a citation, regularly elaborate the perfection of the divine in contrast to the lowliness and fallibility of man's earthly nature. These ideas are usually supported with other quotations or names of authorities. The declaration of the frailty of the human intellect provides a counterpoise to the praise of science or wisdom which is the subject of the body of the speech. It is God's grace which allows the divine element in man to rise above his earthly nature. The contrast of the divine and the human links the *prothema* closely to the invocation, a prayer for divine guidance for the speaker and his audience.

In *S. VIII* Gentile protests that he knew only the day before that he would speak and thus had no time to prepare the customary elaborate *prothema* befitting the venerable assembly. Similarly in *S. IV* Gentile points to the brevity of the prefatory section (fol. 171va13): 'abscindo igitur a meo sermone partem prothematicam'. His complimentary addressing of the notables assembled is followed, however, by an elaborate invocation of divine illumination. The section concludes, in this speech as well as in others, with a list of authorities for the *prothema* or, in some, for the speech as a whole.

A restatement of the *thema*, sometimes in a fuller form, marks the beginning of the main body of the *sermo*. In half the speeches the *divisio* follows directly, or is introduced with brief observations on the method of proceeding.³⁹ In the remaining cases there is a fuller *introductio thematis*, which Gentile explains as a way of making the *thema* more understandable and attractive to the audience (*S. VIII*, fol. 176ra22):

... quam auctoritatem ut civilem planam et placabilem faciam audientium aures dulciter introire affatu quodam introductorio sic loquar.

In *S. II* the *introductio thematis* presents a picture of the flux and uncertainty of human life against which the stability of the perfect doctor will be lauded. In *S. X* the devotion of the candidate to his pursuits is reviewed as the grounds for the choice of the *thema*.

In *S. VI* Gentile introduces the *thema* with a lengthy comparison of the mind within the body to a man in prison, which provides the context in which the theme *o lector actende et letaberis* will be applied to the human intellect. He explains his approach as follows (fol. 174ra16):

Forma sermocinandi mihi ab annis paucis consueta procedens, qua propositionem unam premissam brevem et insipidam apparrentem, premissa quodam paraddigmate similitudinis vel exemplo, facio universale<m> rem et dulcifluam apparere.

39 *Ss.* I, III, IV, VII, IX.

A similar comment accompanies the elaborate simile used to introduce the theme in *S. V* (fol. 172va53):

hanc auctoritatem inspidam apparentem quodam ductu inlecebre sic in vestras animas inlab[i]i facio.

The structure of the body of the speech is outlined in the *partium declaratio*. Three major divisions are usually drawn, corresponding to the principal words or phrases of the *thema*.⁴⁰ Subdivisions are sometimes listed at this point, or are introduced later at the beginning of the discussion of each major division. The *partium confirmatio* proceeds with the amplification of each division and its subdivisions. Many of the traditional techniques of *dilatatio* are employed: discussion of a word or of natural qualities, multiplication of authorities, et al. The parts of one or two of the divisions are tied to the *insignia doctoralia*.

The conclusion of each speech is addressed directly to the candidate, who is called by name. The final section is built around presentation of the insignia, each interpreted in phrases drawn from the body of the speech. The order of the insignia varies, but the last, usually the biretta, is linked to a closing pious formula.

The *themata* chosen by Gentile often include a word or name related to the name of the candidate. Puns and plays on the word or name are an important part of the division and the subsequent amplification. In *S. VIII* Gentile introduces the *partitio* with an observation on this aspect of the addresses (fol. 176ra15):

mos est moderne sermocinationis conventuati sive doctorati nomen in prima propositione claro sonitu explicare.

The topics extracted from the *thema* most often concern the virtues of the man of science (*S. III*, fol. 170vb19):

Domini reverendi, multis retro meis sermonibus in hoc loco pro conventualibus solemnitatibus promulgatis generaliter scientias et virtuosos habitus et laudavi et sublevavi eos supra omnia quae infra celi dotatum possunt ab homine possideri.

The specific terms of the topics are varied, but Gentile usually distinguishes the physical or material, the moral, and the religious capacities and rewards which pertain to the man of science. *S. I* is organized around the praise of the *sapiens*, *S. II* of the *perfectus doctor*, *Ss. VII, IX* and *X* of the *vir scientificus*. In *S. IV*

40 In *Ss. III* and *IV* there are only two major divisions, in *S. X* there are four. In *S. VII*, where the *thema* includes three propositions, the first is discussed briefly by itself, the third is used only in the conclusion, while the second is divided into three and fully amplified with subdivisions. In *S. IX* the second proposition of the *thema*, which plays on the name of the candidate, is treated first, followed by a division of the major proposition into three.

the discussion is directed more personally at the candidate. *S. III* is organized in terms of the praise of science, *Ss. V* and *VIII* of *medicalis scientia*. *S. VI* treats the conditions necessary for the fulfillment of the human intellect and the rewards which follow therefrom. Thus commendation of the new doctor, the purpose of the speech, is grounded in a more general analysis.

The *thema* of the first speech, *Massarius Albinus*⁴¹ *causam suam aliter exponit*, was chosen for its relationship to the name of the candidate, Massaratus de Tuderto. The first major division interprets the name Massaratus as meaning *senex*, perhaps because the candidate was older than usual. *Senex* is then equated with *sapiens* and analyzed under four properties, *claritas*, *maturitas*, *locutio* and *humilitas*, which are related respectively to four of the insignia, *liber apertus*, *liber clausus*, *osculum pacis*, and *anulus*. The second major division takes up the second name in the *theme*, Albinus, interpreted as *lucidus*. The praise of the *sapiens* is then elaborated first in terms of *lucida virtus* and secondly in terms of *lucida divina gratia*, connected respectively with the bestowal of the benediction and of the biretta. The third division takes up the predicate of the *thema*, but it is treated only cursorily. The wise man's power of speech is emphasized and reference made back to the third property of the first section.

The candidate in *S. II* is Jacobus de Roma. Gentile asserts that since he previously delivered a speech in which he elaborated on the name Jacobus he will now take a different approach.⁴² The three major divisions correspond to the three words of the theme: *sum homo Romanus*. The *perfectus doctor*, it is maintained, is the one who most truly exists, who is most fully a human being, and who has the fullest right to call himself a Roman.

S. III concerns a man named Lucas. The *munda tunica* of the citation from Galen is interpreted as *lucida scientia*. The praise of knowledge in terms of various forms of light is then taken to be reflected in the candidate's name.

S. IV includes all the standard parts of such an address, but the material is organized more explicitly in praise of the *vir presens*. The insignia are presented individually at each appropriate stage of the discussion rather than in the conclusion. Magister Bernardus is addressed each time. Some more personal details are included. His fulfillment of the condition of *continuum studium*, which is symbolized by the presentation of a book, is confirmed by an account of the course of his studies. Bernard had studied philosophy at Naples and then spent a

41 The citations from Macrobius, *Sat.* 3. 6. 11, in the text of Gentile give the name in this form. The MSS. of Macrobius give several variations, though none of those cited is exactly the same as this. The Teubner text reads 'Masurius Sabinus'.

42 *S. VIII* is addressed to a Jacobus, but the name is treated only briefly and this cannot be the speech referred to here. Gentile speaks elsewhere of his long practice in delivering such speeches and there must have been many more than the ten preserved in our manuscript.

period in Greece before coming to Perugia to complete his degree. He is said to merit the award of the ring by having displayed the splendor of his understanding *in privato et publico examine* (fol. 172ra31). Since the insignia are presented in the body of the speech, the conclusion of *S. IV* is also unusual. The second part of the theme, *hec te volo tenere, sic ire*, is introduced here rather as an afterthought. It is said to be the basis of the preceding section in which Bernard is exhorted, to maintain the insignia and the virtues they represent. The speech then closes with an oath (fol. 172va7):⁴³

Iurabo ad sancta dei evangelia medicine artem fideliter exercere vel nichil oblique agere precio precibus vel amore.

S. V is distinctive in that two candidates are addressed. The *thema, tonus et robur custodiatur*, is selected for the correspondence to their names, Thomas and Robertus. *Tonus* and *robur* are given separate but parallel analyses, the first in terms of the positive virtues of *scientia medicinalis*, the second, of its resources to oppose human weaknesses.

The approach in *S. VI* is somewhat more abstract and less personal. The name of the candidate, Martinus, is used only at the beginning of the conclusion. The *thematis introductio*, as noted earlier, develops a simile (fol. 174ra21):

humanus intellectus cum interrne conspicimus [est] homini recluso carceribus simulatur.

The powers of the mind allow a brief escape from the imprisonment of the flesh and a glimpse of the heavenly truth. Medicine is then placed within the three modes of human knowledge: *scientia metaphysica, physica naturalis* and *scientia politica et ethica*. The *thema* is divided according to its three terms, *lector, accende, letaberis*, but in its elaboration there is less explicit praise than usual. The first two divisions analyze the conditions for the fulfillment of the intellect, the third, the rewards of this fulfillment, corresponding to the *insignia doctoralia*.

The *thema* of *S. VII* presents three citations. The first, a statement about God, resembles the prothematic citations in some of the other speeches and is treated briefly by itself. Only the second is given a full division and elaboration. The line from Seneca, *hec te volo tenere, sic ire*, is used to introduce the presentation of the insignia.⁴⁴ In the conclusion the virtues of the candidate, Leonardus, are elaborated in terms of the division of his name into the words *leo* and *nardus*.

In *S. VIII*, delivered in honor of Jacobus de Firmo, the words *bibe concam aque* provide the basis for the praise of *scientia medicinalis*. The final division is

43 This oath is also indicated, in an abbreviated form, at the end of *S. VII* (fol. 175vb46).

44 These words are part of the *thema* of *S. IV*, where they are similarly used only in the conclusion.

devoted to the words *asportatur a sancto Iacobo*, but little is said beyond pointing out the coincidence of names. The hasty composition of the speech, for which Gentile apologizes in the *prothema*, is clear from the omission of any development of the second division. Further, it is the only speech in which no quotations other than the theme are given. Some irregularity in the proceedings is further indicated by the use of the third person in the presentation of the insignia.

A comparison of *Ss.* IX and X is revealing of Gentile's rhetorical technique because each treats in quite a different way the same citation from Thessalus: *reversus sum ad sacerdotem et accipiens aurum et res alias necessarias licentiatum sum*.⁴⁵ *S.* IX adds a second proposition, drawn from Galen, *is invenietur sanctior*,⁴⁶ developed first, because, we are told, it makes resound clearly the name of the candidate. His name Xantorus is treated as equivalent to Santorus or Sanctorus. The name is first interpreted as meaning *vir scientificus*. A tripartite praise of the man of science is then presented, only loosely joined to the words of the first proposition. The first division emphasizes the reality of his excellence, the second his stability, both worldly and spiritual. The third division returns to the name, Xantorus, which is taken first as from the Greek root *ξανθός* and elaborated in terms of *rubedo*, and then as from the Latin *sanctus/santus* and elaborated as *beatus*.

In *S.* X the name of the candidate, Albertinus, appears only two times, at the beginning of the presentation of the insignia and in the final phrases. A second citation, again from Galen, is introduced but is treated only in the *prothema*. The body of the speech is built closely on the words of the *thema*. A four-part division is made. First *accepi* is elaborated in terms of *acceptio scientie*, for knowledge is the only true and lasting possession a man can receive. Secondly, science is lauded as spiritual gold, most precious and not subject to earthly decay. In the third division the phrase *res alias necessarias* is interpreted in relation to four of the *insignia doctoralia*. The final division connects the *licentia salutaris* with the benediction about to be bestowed.

In each speech the insignia are interpreted through metaphors related to the different *themata* employed. The book presented, while not identified in the speeches, was no doubt a medical text. It is regularly connected with the

45 The citation varies somewhat between the two speeches. The longer form, as given above, is used in *S.* IX. The *thema* of *S.* X, which omits the first phrase, reads *accepi aurum et res alias necessarias et licentiatum sum*. For the source see above, n. 31.

46 *Sanctior* is my proposed emendation of the MS. reading *sanctorius* (fol. 176va58) and *santorius* (fol. 176vb49) in the two formal statements of the *thema*. The line is repeated four more times in the course of the speech, reading *santorius*, but clearly the play on the name has come into force. The citation is reported to come from Galen, *De virtutibus naturalibus* 3. 7, but I have not been able to locate the passage.

knowledge of the doctor and is sometimes compared to a mirror in which man can contemplate his nature; e.g. *S. III* (fol. 171ra27):

merito ergo liber apertus datur doctori in scientia medicine in signum huius lucidi speculi in quo homo inspiciens se ipsum cognoscit.⁴⁷

The *pacis osculum* is bestowed on the mouth and is most often said to be a sign of the eloquent speech which flows therefrom.⁴⁸ Sometimes this is explicitly connected with the disputation the candidate had just delivered. The indissoluble bond of the doctor to science, of which the ring is a token, is repeatedly spoken of as a marital union; e.g. *S. I* (fol. 169va19):

et quia anulus coniugium honestum significat in signum huius coniugionis ad scientiam datur annulus sapienti.⁴⁹

Of the remaining insignia the *benedictio paterna* is usually expressed in terms of worldly abundance, *affluentissima uberitas* (*S. II*, fol. 170va30) or *fructificatio productiva* (*S. III*, fol. 171ra55), while the biretta is interpreted in terms of the joy and blessedness which comes from the closeness of the *vir scientificus* to God, *deificatio fruitiva* (*S. III*, fol. 171ra56). The benediction itself is always a quotation. In five of the speeches Gentile uses a blessing attributed to Johannes Damascenus, in *principio suorum afforismorum*:

liberet te deus, fili amantissime, a devio erroris et in via prosperitatis te conservet.⁵⁰

The benediction in *S. VII* includes two citations (fol. 175vb21):

do tibi benedictionem paternam ut benedictus et dilectus inter homines gradiaris quam Ihesus Haly phylosophus Platonius dedit discipulo suo in principio libri: 'fili, custodiat te deus cum clemencia sua et dirigat te ad uiam rectam per misericordiam suam';⁵¹ quam Mesaalla in libro de revolucionibus annorum mundi, 'custodiat te deus et augeat in vitam.'⁵²

47 Cf. *S. VIII* (fol. 176va40): 'bibite ergo concam aque specularis, in cuius signum librum sibi do ut in eo continue speculetur.'

48 e. g. *S. I* (fol. 169vb23): 'do tibi pacis osculum in signum ornati sermonis a tuis labiis procedentis.' Cf. *S. VIII* (fol. 176va44): 'bibite concam aque aromatalis, in cuius signum pacis osculum sibi do ut os eius decoris et bene redolentibus sermonibus adornetur.'

49 Cf. *S. VIII* (fol. 176va46): 'bibite aque concam limpidualis, in cuius signum annulum sibi do ut tua anima medicinali scientia semper ut sponsa mundissima preparetur.'

50 The citation is given as it appears in *S. III* (fol. 171rb41); it recurs with slight variation in *S. II* (fol. 170va30), *S. IV* (fol. 172rb55), *S. VI* (fol. 174vb23) and *S. VIII* (fol. 176va41). The source is the incipit of the *Aphorismi* of the ninth-century Yūhannā ibn Māsauih, known as Mesue Senior. The work was often cited under the name of Johannes Damascenus; see Sarton, *History of Science* I. 574.

51 Jesu Haly, *Epistula de cognitione infirmitatum oculorum* in *Collectio ophthalmologica veterum auctorum*, ed. P. Pansier, I, fasc. 3 (Paris, 1903), p. 195. This blessing appears alone in *Ss. I* (fol. 169vb29), *V* (fol. 173vb10) and *IX* (fol. 177vb58).

52 Messahala [Māsha'allāh], *De revolutionibus annorum mundi* (Nuremberg, 1549), sig. B 1r.

In *S. X* (fol. 178vb45) Gentile uses the blessing drawn from Messahala with the added clause 'ac rerum habundantiam tribuat mundanarum'. The biretta is taken from the holy altar on which it has been sanctified and placed on the head, the most divine part of man, as Aristotle is called on to attest.⁵³ It is bestowed, for example, in *S. IX* (fol. 178ra4) 'in signum tue sanctitatis te ad divinam gloriam sublevantis'.

Numerous quotations from ancient and medieval sources are used in every part of the *sermones*. The names of authorities, sometimes with references to a particular work but without quotations, are often listed in the elaboration of individual points as well as at the end of the *prothema*.⁵⁴ Gentile uses quotations without regard to their original meaning or context and alters wording to suit his own sentence structure, as was the common practice of his time. All the quotations are in Latin.

The range of the citations reflects both the nature of the occasion and the intellectual background of the speaker. The ten speeches include some 116 quotations and 264 citations of authorities, of which total more than 60% are from ancient sources. Seneca (50,34),⁵⁵ as the great moral philosopher, predominates. All the Senecan passages and citations are from the *Epistulae ad Lucilium*,⁵⁶ except for one reference to the *Liber de quattuor virtutibus*.⁵⁷ Galen (19,38) is the second most frequently used authority. From the ancient and medieval medical-philosophic writers Gentile draws only *sententiae* of a moral or religious character. There are no citations of the Bible or of any ecclesiastical texts. Of the works of Cicero (10,5) Gentile draws upon *De senectute* and *De officiis*. He also quotes Aristotle (7,28), Apuleius (5,13), Macrobius (2,3), and Valerius Maximus (1,3), and makes references to Proclus (0,8), Plato (0,6), Sallust (0,4), Hippocrates (0,3) and Quintilian (0,3).

Almost all the remaining references are to medical-philosophic writers of the Islamic world who were well known in Latin translation. Avicenna (4,28), Mesue

53 The pseudo-Aristotelian *Problemata* 33. 9 (962a37-39) is cited in this regard in *Ss. I* (fol. 169va44), *VI* (fol. 174vb9), and *IX* (fol. 177vb33).

54 In the hastily composed *S. VIII*, however, in which there are no quotations other than the *thema*, there is no listing of authorities in the *prothema* but they are included in the amplification.

55 Of the numbers in parentheses following each name, the first records the number of quotations attributed to each, the second the number of other citations, with or without reference to a particular work.

56 The title is given in the manuscript as *Epistulae ad Lucillum*. Thirty-seven different letters are referred to; seven passages are quoted twice: *Ep.* 20. 4; 23. 2; 31. 2; 31. 10; 46. 2; 59. 16; 65. 19. Lines from *Ep.* 23. 8 and 59. 14 are each quoted three times, while *Ep.* 41. 7-8 is used in four of the speeches.

57 A collection of Senecan excerpts compiled in the sixth century by Martin of Braga; see K.-D. Nothdurft, *Studien zum Einfluss Senecas auf die Philosophie und Theologie des zwölften Jahrhunderts* (Leiden-Cologne, 1963), p. 30.

the Elder (12,9)⁵⁸ and Averroes (2,14) are those most often drawn upon. Jesu Haly (3,0) and Messahala (2,0) appear only as a source of benedictions, while there are single quotations and other references to Hali Abbas (1,9), Maimonides (1,6) and Rhazes (1,3). References are made to some twenty other, mostly Arabic, authorities.

Gentile's selections reveal the strong current of medieval Platonism as it continued into the early Renaissance, which, as Kantorowicz and others have described, flowed largely through indirect channels.⁵⁹ There are six references to Plato himself, all to the *Timaeus*, and eight to Proclus. The numerous citations of Galen reflect his importance in this tradition. Of the references to Aristotle, a quarter are to *De pomo, sive De morte Aristotelis*, one of the important conduits of medieval Platonism.⁶⁰ This work, which shows the dying Aristotle embracing views similar to those of the *Phaedo*, was known through a Hebrew adaptation from the Arabic, translated into Latin by Manfred of Sicily in the middle of the thirteenth century. Gentile accepts the work as Aristotelian; he cites it six times and uses, on three occasions, a quotation from Manfred's *prohemium*.

Gentile's use of Apuleius may, perhaps, be best understood in this light. The *opera philosophica* were part of the medieval Platonic tradition. Gentile quotes twice from *De deo Socratis* and makes three other references to this work. The major works of Apuleius, however, were preserved in a manuscript tradition apart from the *philosophica* and were just beginning to be circulated among the early humanists during the 1340's, the years in which Gentile composed the speeches.⁶¹ He quotes from *De magia (Apologia)* twice and refers to this work three other times; he twice refers to the account of the philosopher Hippias in *Florida* 9. Words from the opening of the *Metamorphoses* provide the *thema* for *S. VI* and a reference is made in *S. X* to the most holy kiss described in the

58 The figures include references under the names Johannes Damascenus and Johannes Mesue. None of these appears to refer to the Greek author of the *Fons scientiae*, Johannes Damascenus. The *Aphorismi* of Mesue the Elder is cited three times, in addition to being the source of a benediction, on which see above, n. 50. Some of the remaining references may be to works of Serapion the Elder, who flourished in Damascus during the later ninth century and was later often confused with Mesue and Johannes Damascenus; see Sarton, *History of Science* 1. 608.

59 E. H. Kantorowicz, 'Plato in the Middle Ages', *Philosophical Review* 51 (1942) 312-23, reprinted in E. H. Kantorowicz, *Selected Studies* (Locust Valley, N. Y., 1965), pp. 184-93.

60 Kantorowicz, *ibid.*, p. 186; see further M. F. Rousseau, trans., *The Apple or Aristotle's Death* (Milwaukee, 1968). Of the remaining Aristotelian references in the *sermones* there is one quotation from the *Physics* and one from the *Metaphysics*. some ten citations of the *Problemata*, a late antique compilation of peripatetic materials.

61 Two Beneventan MSS., Laurentianus 68.2 and 29.2, at that time still at Monte Cassino, were the source of some ten Italian MSS. of the first half of the fourteenth century; see D. S. Robertson, 'The Manuscripts of the *Metamorphoses* of Apuleius', *Classical Quarterly* 18 (1924) 27-32.

closing book of the romance (11. 17. 4). An elaborate Apuleian description of an assembled throng is recalled in the *prothema* of three of the speeches, namely *S. V* (fol. 172va14):

cum admirandam et pariter obstupandam choortem presentem examino, illam quam affatu mirabili et decoro in suo Methamorphostos describit Apulegius 9 libro;

S. VIII (fol. 176ra6):

consorcium Lutii Apulegii 9 Methamorphoseos miranda pompositate discriptu<m> me ab iteratione commendacionis excusat;

and *S. IX* (fol. 176vb13):

et enim sedit predicti Ampullegii chorus miranda pompositate discriptus.

The description is said to come from the ninth book of the *Metamorphoses*, in which, however, there is no such passage. The reference is, I believe, to the detailed description of the procession of Isis in Book XI. The term *chorus* occurs there (11. 9) and the hierarchy of the dignitaries is stressed, as by Gentile. Further, Gentile compares his awe before his audience to that of Apuleius, taken to be the same as the narrator Lucius. This is suggested by the wording in *S. V* and is made explicit in *S. IX* (fol. 176vb9):

ac more Apulegii Magdaguriensis 9 libro Methamorphoseos, mutatione mirabili stupeficientis totaliter internee contremescens mee menti inhereo

If in fact Gentile is thinking of the Isis book, the reference would be clearly to 11. 14. 16 ff.:

at ego stupore nimio defixus tacitus haerebam, ... quid potissimum praeferar primarium.

I conclude with an edition of *S. VI*, prepared from a microfilm copy of the MS. Because the text exists in a single MS. every care has been taken to preserve the MS. reading. Emendation has been resorted to only when absolutely necessary, and the reading of the MS. recorded in the apparatus. The rather Italianate spelling of the MS. has in general been followed. The scribe seems indifferent to variations between *-ti* and *-ci*; e.g. *tertium* (fol. 174rb26), *tercio* (fol. 174va26), *vitiorum* (fol. 174va2), *viciorum* (fol. 174va6). The use of either is preserved where the MS. gives indication of it; where expansion of an abbreviation left the choice to the editor, *-ti* has been given. In a few places, where the scribe has used only a single abbreviation stroke, the accusative of the expanded form has been given without further note: e.g. *sniā* (fol. 174rb4) where *sententiam* is clearly required. Seneca's letters are most often cited in the form *epla ad lūc*, which has been expanded as *Epistula ad Lucillum* since 'Lucillum' is sometimes written out in full in the *sermones*. Capitalization, punctuation and paragraphing have been supplied by the editor.

Sermo ad conventum magistri Martini de Senis
(MS. Vat. lat. 2470, fols. 173vb-174vb)

(f. 173vb) *O lector actende et letaberis.*¹ Apulegius Lucius phylosophus Platonicus in Methamorphoseos primo capitulo, *at ego tibi sermone isto Milesio.*² Domini, dum mee mentis acties vel internus oculus tam venerabile collegium, egregium ac exaltabile consortium, ut speculare quoddam mirandum, actentius intuetur, et dum faceret illud, videmus gratia dignitatis et distinctis potentatu³ gradibus preornatum; nichil meo sermoni honorabilius, nichil acceptabilius <quam> profiteri clara voce et accomoda brevitae, que in ornatu sermonis presentis defectum et tedium recompenset. A cuius ornato actu⁴ me excusant speculationes quedam ardue quibus presenter ardentius incalebam, que non bene [non] rethoricis actibus commiscentur; et non diu in hoc loco a me prolati sermones iuxta meam paucam facundiam melodiis retoricis consonantiis metricis dulciter inlabentes secundum pomposam consuetudinem modernorum.

Sum ergo mee prothematis sic exorsus: divina bonitas cuius est eterna et infinita potestas, et arbitrium liberum super omnia confessione purissima confirmandum cuius supreme sedis est elogium venerandum. Noticie eius profunde voraginis est longe spectaculum admirandum; super omnes creaturas infinitis ordinibus preeminens et incomprehensis⁵ luminibus fulgens nos admonet, nos inducit ut prius cognoscentes nichilitatem nostram, ingnoranciam cognoscentes tenebram, pura mente eum in nostris operibus invocemus. Quam nostram ingnoranciam perfectionis divine Seneca profitetur 30 epistula ad Lucillum, illa 'agnosse Lucillum' etc.,⁶ dicens 'nemo novit⁷ deum',⁸ et clare 61 epistula ad Lucillum, illa 'animus in hoc tristi' etc.,⁹ dicens 'ego non queram <que> sint^{9a} universorum initia? quis rerum formator? quis omnia in uno mersa et materie inherti convoluta discreverit? non queram quis sit istius artifex mundi? qua¹⁰ ratione tanta magnitudo in legem et ordinem venerit? quis sparsa collegerit, confusa distinxerit, in una diformitate (f. 174ra) iacentibus faciem dimiserit? unde lux tanta fundatur? ignis sit, an aliquid igne lucidius? ego ista non queram, ego

1 Apul., *Meta.* 1. 1.

2 millesim MS.

3 *corr.* from potentatis

4 ornatu actum MS.

5 incomprehensis MS.

6 Sen., *Ep.* 31. 1.

7 *corr.* from norat

8 Sen., *Ep.* 31. 10.

9 Sen., *Ep.* 65. 17.

9a sunt MS.

10 que MS.

nescio unde descenderim?¹¹ Ipse ergo deus, qui est summa et prima et libera bonitas incongnitus nobis omnibus, coassistens si<t> dator¹² auxilii et repleat opera nostra gratia sua. Fundati sunt sermones dicti ex vocabulis Hunayn in commento de plantis prohemiali capitulo,¹³ et Mesue in sua medicina 2 capitulo,¹⁴ David phylosophi 4 sue phylosophie,¹⁵ et dictis Senece ut supra et 39 epistula ad Lucillum,¹⁶ cum Raby Moyse 25 parte suorum afforismorum 54 capitulo,¹⁷ cum Proculo Diocliciano in libro Teologice Ellementationis 12 propositione¹⁸ et in libro eiusdem de fato et providencia divina ad Theoderum Mechanicum primo capitulo.¹⁹

Lector actende et letaberis. Forma sermocinandi mihi ab annis paucis consueta procedens, qua propositionem unam premissam brevem et insipidam apparentem premissa quodam paraddigmate similitudinis vel exemplo facio universale<m> rem et dulcifluam apparere, sic dicam: humanus intellectus cum interrne conspicimus [est] homini recluso carceribus²⁰ simulatur. Sic est hic homo tristis et fetore carceris constitutus in miseria, colore squalido, pilis hispidus,²¹ horrenda sordicie immundus, intonsis unguibus feraliter obarmatur. Catenis quovis motu strepentibus alligatus, a crudelissimis custodibus verbis ignominiosis et verberibus flagellatus, suis mentalibus discursibus excarcerationis divina misericordia quandoque Platonem meditatur. Et cum potest, apertis rimulis et parvis patefactis²² host<i>olis, [in] item oculis, et celestem pulcritudinem speciosum et spaciosum

¹¹ Sen., *Ep.* 65. 19.

¹² datur MS.

¹³ Thorndike (see above, p. 97 n. 2), *History of Magic* 2. 763⁶, reports that this gloss by Hunain ibn Ishāq on the *De plantis* attributed to Galen is printed in Galen, *Opera*, vol. 8: *Libri spurii* (Venice, 1609), fols. 120-122.

¹⁴ This probably refers to a work of Yūhannā ibn Māsawaih, the ninth-century physician known as Mesue Senior: *Ioannis Mesuae Damasceni De re medica* (Paris, 1542), l. 2, pp. 9-15.

¹⁵ This may refer to a work of David Philosophus, an Armenian neoplatonist of the sixth century who translated and commented on Peripatetic texts. Latin versions of his work are generally available only in manuscript; see M. Khostikian, *David der Philosoph* (Berner Studien zur Philosophie und ihrer Geschichte 58; Berne, 1907).

¹⁶ Sen., *Ep.* 41; cf. n. 62 below.

¹⁷ Maimonides (Moses ben Maimon), *Aphorismi medici* (Venice, 1497), particula 25, fols. 33v-38; capitula are not indicated.

¹⁸ The Latin version of Proclus, *Στοιχειώσις θεολογική* by William of Moerbeke, exists only in manuscript; see Proclus, *The Elements of Theology*, ed. and trans. E. R. Dodds, 2nd edition (Oxford, 1963), p. xlii.

¹⁹ *De providentia et fato et eo quod in nobis ad Theodorum Mechanicum* 1 in Proclus, *Tria opuscula (De providentia, libertate, malo)*, *Latine Guilelmo de Moerbeka vertente ...*, ed. H. Boese (Berlin, 1960), pp. 109-110.

²⁰ carseribus MS.

²¹ inspidus MS.

²² patefectis MS.

aerem discursus hominum et maneriem intueri, in sua tanta miseria aliququaliter recreatur et nunc consolatur, quia extrinseci muri carceris ymaginibus decorrentur, non quia [non quia] pincturis variis reformatur.

Sic intellectus humanus artissimo et obscuro carcere corruptibili corpore carceratur, sordido corio²³ nostris membris cum nostris humanitatibus putribilibus applicatur, cathenis gravissimis <h>armoniis scilicet corporis adaptatus,²⁴ famulorum id est sensuum defectibus multis spurcitiis inquinatus. Non est in tanta carceris miseria consolatus delectationibus corporeis copiosis, non ornatis vestibus, non divitiarum redditibus mirosis, non familie, non principatus²⁵ preeminentiis generosis. Hec enim omnia sunt sui carceris ornamenta. Sed tormentum tetri carceris mitigat spes excarcerationis felicitis qua sperat de gratia supra sydera collocari, et de hoc non plus prosequar in sermone. Illa etiam mitigat per rimulas sui carceris et per parva hostiola patefacta, id est per potentias sensitivas celi sereni intuitus, id est scientia methaphysica divinorum; mitigat spaciosi aeris aspectus, id est scientia physica naturalis cui subest medicina cum liberalibus scientiis mundanorum; mitigat etiam eius (f. 174rb) tristitiam prospectus hominum qui discurrunt, id est scientia politica et etica cui subsunt condite²⁶ leges regulacionem dantes actibus et discursibus humanorum. Sic contestum exemplum fundatum est super sententiam Aristotelis in libro de pomo,²⁷ et Platonis 2 Thimei 2 capitulo,²⁸ et Avicenne 9 Metaphysice ultimo capitulo,²⁹ et Galeni 3 libro de utilitate partium 11 capitulo et libro 17 primo capitulo,³⁰ et Apulegeii in libro de deo Socratis ultimo capitulo,³¹ cum Tullio in libro de senectute,³² et Seneca 61, 30 et 39 epistulis ad Lucillum,³³ et 9 declamatione Quintillianiana,³⁴ et Sallustio Gigurtine primo capitulo.³⁵

Intellectus ergo humanus se ipsum conspiciens carceratum et comprehendens scientiarum noticiam subesse in suis carceribus consolationem et meliorem

23 cerio MS.

24 adoptatus MS.

25 prencipatus MS.

26 corr. from condide

27 Cf. *Aristotelis qui ferebatur Liber de pomo, versio latina Manfredi*, ed. M. Plezia (Warsaw, 1960), pp. 50-52.

28 Cf. Plato, *Timaeus a Calcidio translatus commentarioque instructus*, ed. J. H. Waszink, 2nd edition (Leiden, 1975), 44A-C, p. 40.

29 Cf. Avicenna, *Philosophia prima* 9. 7 in *Opera philosophica* (Venice, 1508), fol. 106vb.

30 The source of these general thoughts seems to be Galen, *De usu partium corporis humani* 3. 10 and 17. 1; cf. Galen, *Opera omnia*, ed. C. G. Kühn (Leipzig, 1822; rpt. Hildesheim, 1964), 3. 217-42 and 4. 346-62.

31 Cf. Apul., *De deo Soc.* 24.

32 Cf. Cic., *De senect.* 2. 4, 12. 39-13. 44, 14. 49-50, and especially 21. 77-23. 85.

33 Cf. Sen., *Ep.* 65. 16 ff., 31. 11, and 41.

34 Cf. Quint., *Decl. XIX maiores* 9.

35 Cf. Sall., *Iug.* 1-2.

possessionem que de mundanis potuerit inveniri, ad hominem cuius ipse pars nobilior alloquitur ut eum ad scientiam advocet, sic dicens: *O lector actende et letaberis* una mecum. In qua propositione tria inferuntur per ordinem anteponenda oculis cuiuslibet viri scientifici, discipuli vel magistri. Primum est corporalis operatio anxiosa³⁶ qua porta scientiarum clausa sonoro³⁷ strep*<i>* tu prepulsatur, et vocatur ex hoc quilibet studens lector ut assiduis lectionibus fatigetur: *O lector*. Secundum est mentalis actencio generosa qua porta scientie clausa reseratur, et ornatur ex hoc lector et ideo actendit³⁸ lectionum intrinseca: *actende*. Tertium est finalis perfectio gaudiosa qua omnis precedens anxietas mitigatur cum letatur, ex hoc quod scientie fructibus adimpletur: *letaberis*. *O lector actende et letaberis*, id est lege, actende et letaberis.

Dico primo quod quicumque vole*<n>*s ad scientie host*<i>*a pervenire scientificus discipulus vel magister debet lectionum laboribus fatigari. In hoc autem labore lectionum quattuor attenduntur. Primum est lectionum assiduatio, secundum quandoque recreativa repausacio, tertium librorum quos legit auctenticatio, quartum eorum utilis et non inutilis multiplicatio. Lexionum assiduationem precipit Alexander archisophista in prohemio sui libri,³⁹ et Galenus in libro 3 de virtutibus naturalibus 10 capitulo, 'oportet debentem',⁴⁰ Seneca 8 epistula ad Lucillum.⁴¹ Unde Hali Abbas primo sermone theoretice dispositionis regalis 2 capitulo dicit: 'oportet studio occupari librorum nec negligat aut fastidiat' etc.⁴² Recreativam pausationem *<h>*ortatur Seneca 15 epistula ad Lucillum, illa 'mos antiquis fuit: neque te ego iubeo eminere libro semper aut pugillaribus;⁴³ dandum est intervallum animo'.⁴⁴ Librorum bonitatem sive aucten-

³⁶ ansiosa MS.

³⁷ sonora MS.

³⁸ actende MS.

³⁹ I have not been able to trace an Alexander with this epithet, but it may refer to Alexander Trallianus, a medical writer of the sixth century, who was known as Iatro sophista; cf. W. A. Copinger, *Supplement to Hain's Repertorium Bibliographicum* 2. 1 (London 1898), no. 378: 'explicit liber Alexandri iatro sophiste'. Unfortunately the edition of Alexander Trallianus, *De arte medica libri duodecim* (Venice, 1552) which I have been able to consult does not include a *prohemium* by the author. There is a similar citation of Gentile in S. X (fol. 178va29): 'Librorum studium fore necessarium sapienti affirmat Alexander archysophysta in prohemium sui libri cum dicit "legere semper debes".'

⁴⁰ Galen, *Opera* (Venice, 1490), vol. 1, fol. 44vb: *De virtutibus naturalibus* 3. 10, the fourth sentence of which reads, 'Oportet enim debentem cognoscere quid aliis melius mox quidem et natura et prima doctrina multum ab aliis differre.'

⁴¹ Cf. Sen., *Ep.* 8. 1.

⁴² Haly Abas (Ali ibn al Abbas), *Liber totius medicine ... unde et Regalis Dispositionis nomen assumpsit* (Lyons, 1523), 1. 2, fol. 7r: 'oportet eum magis lectione occupari studioque considerationis librorum medicine nec negligat aut fastidiat eos quoque die.'

⁴³ pugillatibus MS.

⁴⁴ Sen., *Ep.* 15. 6.

ticationem et multiplicationem non inutilem Seneca protestatur 42 epistula ad Lucillum que sic incipit: 'librorum inopiam istic esse conquereris; non refert quam multos sed quam bonos habes';⁴⁵ et 2 epistula ostendit: 'vide ne lectio auctorum multorum et omnis generis voluminum habeat aliquid vagum et instabile';⁴⁶ et multis interpositis subdit: 'modo, inquis, hunc⁴⁷ librum evolvere volo modo alium; fastidientis stomachi est multa degustare; ubi varia sunt et diversa, inquinant et non alunt; probatos itaque semper lege'.⁴⁸

Secundo dico quod quicumque lector vult scientificus fieri debet legendo attentius (f. 174va) meditari. Nullus autem homo potest esse in scientia actentus et veridicus meditator nisi sit primo vitiorum subplantator potentissimus, secundo nisi illius veritatis, quam lumine scientie apprehendit, sit in bonum finem non malignum, non apparentem et decipientem sophysticum ordinator. Viciorum conculcationem volenti, pulsantibus lectionibus apertis scientie portis, eius aulam introire precipit Iohannes Damascenus primo libro suorum afforismorum⁴⁹ et Seneca 49 epistula ad Lucillum ibi 'debellande sunt in primis voluptates';⁵⁰ et Galenus 2 libro de crisi 2 capitulo ubi 'si tua festivatio est in rebus pessimis', id est viciis, 'et diligis cenum etc. Super inquisitionem veritatis consulo ut non experiaris aliquid [in quod]; si non, eris loco eius qui accepit urceum aque clare et evacuat eum in puteo pleno luto;⁵¹ faciens namque hoc corrumpit aquam et non rectificat puteum'.⁵² Non ad sophismata, non ad malum finem sed bonitatis directionem precatur Galenus 3 libro de interioribus 3 capitulo ubi dicit: 'precor legentes meos libros illam investigationem et impedimentum⁵³ relinquere quam faciunt illi <qui> sophysticam intencionem investigant; quia hec intentio non generat nisi bellum et rabiosam litem absque ullo proficuo; et convertant se ad indagacionem⁵⁴ veritati pertingentem honesti et veritatem amantes'.⁵⁵

45 Sen., *Ep.* 45. 1.

46 Sen., *Ep.* 2. 2.

47 hñt MS.

48 Sen., *Ep.* 2. 4.

49 See above, p. 109 n. 50.

50 Sen., *Ep.* 51. 6.

51 lutum MS.

52 Galen, *Opera* (Venice, 1490), vol. 1, fol. 86v: *De crisi* 2. 2 ('... et si tu es piger eliges optimum: aut es inpiger sed tua manifestatio (*in marg.* aliter festinatio) non est nisi in rebus pessimis et eligis cenum. et dignitatem: et regnum: super inquisitionem veritatis, tunc enim tibi melius est. ut non experiaris aliquid de hac scientia. et si non: eris loco eius qui accipit urceum clare aque et evacuat eam in puteo pleno limo. faciens namque illud corrumpit aquam et non rectificat puteum').

53 impeditum MS.

54 indignacionem MS.

55 Galen, *Opera* (Venice, 1490), vol. 2, fol. 122v: *De interioribus* 3. 3 ('Sed precor videntes meos libros illam investigationem et impedimentum dimittere: quod faciunt illi, qui sophysticam intencionem investigant: quia hec intentio non generat nisi bellum et rabiosam litem absque ullo proficuo: et convertant se ad indagacionem veritati pertingentem honesti videlicet et veritatem amantes').

Tercio dico quod studens lector sedulus et actentus letatur letitia singulari; et primo letatur scientie dignitate, secundo eiusdem indissolubili unitate, tertio letatur et letabitur sermonis prestantissima venustate, quarto mundanarum rerum copiosissima⁵⁶ uberitate, quinto letatur et letabitur semper in divine contemplationis felicissima⁵⁷ veritate vel divina gratia et ultima felicitate. Extollentem scientie dignitatem qua letatur et letabitur lector sedulus et actentus ostendit Galenus 7 de ingenio primo capitulo,⁵⁸ et Averroes auctoritas in prohemio libri Physicorum ubi scientem et aptum assimilatur viventi et ignorantem autem ad scientiam homini mortuo vel depicto.⁵⁹ Et Tullius in libro De officiis 2 primo capitulo dicit: 'nichil optabilius, nil prestantius, nil dignius sapientia invenitur'.⁶⁰ In cuius dignitatis signum vir doctoratus libri tradicionem decoratur ut libro suam scientiam foveat et accrescat.

Indissolubilem scientie unitatem declarat Seneca 39 epistula ad Lucillum ubi dicit: 'in homine id laudandum est quod ipsius est. familiam formosam habet et domum pulchram, multum serit, multum fenerat'.⁶¹ nichil horum in ipso est sed circa ipsum. lauda in illo quod nec eripi potest nec dari. queris quid sit illud? animus et ratio in animo perfecta',⁶² id est scientia. Et in signum huius sponsaliti et indissolubilis unionis vir doctoratus anulo subauratur. Sermo<n>is ore prolatus prestantissimam venustatem scientis declarat effectus. 'Signum enim scientis est posse docere', ut Aristoteles in prohemio Methaphysice.⁶³ In signum cuius doctoratus pacis osculo dulcoratur. Mundanarum rerum copiosissimam uberitatem declarat auctoritas Avicenna in prohemio Canonis⁶⁴ et prohemium Prognostice Veteris <H>ypocratis.⁶⁵ In cuius signum doctoratus paterna benedictione fatatur. Postremam felicitatem bene sperandam dei (f. 174vb) gratia in homine sapiente declarat Seneca 30 epistula ad Lucillum ubi loquens de scientia dicit: 'hoc est summum bonum, quod si occupas incipis deorum socius esse';⁶⁶ et Manfredus in prohemio libri de pomo: 'scientiarum subsidio fiat homo deo

56 copiosissima MS.

57 felicissima MS.

58 Galen, *Opera* (Venice, 1490), vol. 2, fol. 189v: *De ingenio sanitatis* 7. 1.

59 Averroes, *In Physic.*, praef. (Venice, 1562), 4. 1vI: '... sicut nomen hominis quod praedicatur de homine viuo et de homine mortuo: siue praedicatio hominis de rationali et lapideo: et cum hoc consequitur cognitionem scientiae speculatiuae de moralitate virtuosa.'

60 Cf. Cic., *De off.* 2. 2. 5.

61 feneratur MS.

62 Sen., *Ep.* 41. 7-8.

63 Arist., *Meta.* 1. 1 (981b7-8), fol. 1v (Padua, 1473): 'et omnino scientis signum est posse docere.'

64 Avicenna, *Liber Canonis*, trans. Gerardus Cremonensis (Venice, 1507), fol. 1rb.

65 I have not been able to locate this reference in Hippocrates, *Prognostica*, ed. B. Alexanderson, *Die hippokratische Schrift Prognostikon* (Studia graeca et latina Gothoburgensia 17; Göteborg, 1963).

66 Sen., *Ep.* 31. 8.

similis et indeficientis eternitatis solio ponatur'.⁶⁷ Et in huius signum doctorati pars divina honorabilis, id est caput, ut Aristoteles Problematorum 34, 7 problemate,⁶⁸ birreto, id est divino quodam insignio coronatur, quod bonum⁶⁹ significare< t> capitis.

Tu ergo, magister Martine, quia legisti et lectionibus actendisti, modo letaberis in cuius leticie signum petita insignia tibi do. Et primo do tibi librum in signum letitie de possessione scientifica habitante. Secundo do tibi annulum in signum letitie de laudabili socia scientia indissolubiliter adherente. Tertio do tibi pacis osculum in signum letitie de sermone facundo a tuis labiis procedente. Do tibi benedictionem paternam in signum letitie de rerum copia feliciter affluente. Do tibi Damasscinam benedictionem quam suo discipulo dedit: 'liberet te deus, fili, a devio horroris et in via[m] prosperitatis te conservet'.⁷⁰ Do tibi birretum ornamentum divinum et divine parti corporis imponendum et de loco divinissimo altari scilicet assumendum in signum leticie de⁷¹ divina gratia tuam animam attingente, dirigente ad regnum dei qui sit benedictus. Amen.

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67 *Aristotelis qui ferebatur Liber de pomo*, ed. Plezia, p. 39: '... ut uires corporis scienciarum transcendendo subsidio aptacione uirtutum fiat suo principio similis et indeficienter eternitatis solacio pociatur.'

68 The medieval Latin version of [Aristotle], *Problemata* which Gentile would have known survives only in manuscript. The text of *Problemata* 33. 9 (962a37-39) in the 1438 translation of Theodore Gaza, as it appears in Aristotle, *Opera* (Venice, 1562-74; rpt. Frankfurt am Main, 1962), vol. 6, fol. 93v, is: 'sternutamentum capitis, quae pars sacra praecipue est, spiritum hinc exeuntem, ut sacrum veneramus et adoramus.'

69 binum MS. Cf. *S. X* (fol. 178vb30): 'Birretum etiam significat bonum raptum quod est raptus in deum.' In a similar passage in *S. VI* (fol. 175vb36) the MS. again gives the unintelligible 'binum': 'Do etiam biretum, id est binum ramptum'

70 See above. p. 109 n. 50.

71 et MS.

CHRESTIEN AND THE *COMEDIAE*

Tony Hunt

FOR many years the relationship between Latin and vernacular literature in the twelfth century has gone unheeded despite Professor Ullman's criticisms of the prevailing 'romantic' tendency to concentrate on Celtic and Arabic elements in Old French literature.¹ There is a still only vaguely apprehended truth in Nordström's accurate description of twelfth-century vernacular literature as 'une abondante floraison recouvrant la végétation d'une riche production latine, dont la plus grande partie demeure aujourd'hui encore inexplorée'.² *Toposforschung* has emphasized the continuity rather than the contiguity of the two literary traditions.³ What is needed is more careful study of those few works, problematic though they be, which seem to represent bridges between the two.

In the liturgical field we have the celebrated *Ordo representationis Adae*, or should we prefer to call it the *Jeu d'Adam*? The mixture of Latin and French here raises interesting questions concerning the composition of the audience,⁴ questions equally pertinent to the *Sponsus* contained in Paris, Bibliothèque Nationale MS. lat. 1139. The bilingualism exhibited by some of the earliest Old

1 B. L. Ullman, 'Medieval Latin and Comparative Literature' in *Comparative Literature. Proceedings of the Second Congress of the International Comparative Literature Association at the University of North Carolina September 8-12, 1958*, ed. W. P. Friederich, 1 (Chapel Hill, N. C., 1959), especially p. 16.

2 J. Nordström, *Moyen Age et Renaissance. Essai historique*, trans. T. Hammar (Paris, 1933), p. 71.

3 On this continuity see the excellent summary by M. Delbouille, 'Tradition latine et naissance des littératures romanes' in *Généralités* (Grundriss der romanischen Literaturen des Mittelalters 1; Heidelberg, 1972), pp. 3-56. On contiguity see F. P. Knapp, *Similitudo. Stil- und Erzählfunktion von Vergleich und Exempel in der lateinischen, französischen und deutschen Grossepik des Hochmittelalters* 1 (Philologica Germanica 2; Vienna-Stuttgart, 1975).

4 Cf. my study 'The Unity of the Play of Adam (*Ordo representationis Adae*)', *Romania* 96 (1975) 368-88, 497-527 in which I emphasize the learned rather than popular features of the play and reject the traditional idea that it was performed outside the church to large and varied audiences.

French texts leads to reflexions on the linguistic and social stratification of their audiences and on the nature and scope of their authors' poetic activity. For example, whatever the exegetical background of *Quant li solleiz* may be, does it not testify to the increasing popularity of the Song of Songs, which may be said to have played an important, if as yet undocumented, part in the elaboration of *amour courtois*? Thus from the beginnings the oppositions Latin/vernacular, clerical/popular and so on are by no means absolute or exclusive.

One of the reasons for this, of course, is the common debt of the traditions so described to *les milieux scolaires*.⁵ That the vernacular literature of twelfth-century France has Latin precedents in almost every genre has long been known. Indeed, it is the very familiarity of this idea that has led critics to see genetic links in a purely linear, diachronic fashion. Despite the rediscovery of the past implicit in the term *renaissance*, often applied to the twelfth century, it is more precisely the contemporaneity of the vernacular and Latin traditions, the coexistence of the two and their mutual interference which draw us into the realities of literary and cultural history in the twelfth century and enable us to avoid the systematization of the textbooks. All writers with any intellectual pretensions were educated in Latin and their *praeexercitamina* or first literary exercises were written in that language. Chrestien cut his teeth, it is assumed, on Ovid and only later turned to more independent subjects, as a result, we may imagine, of establishing a reputation sufficient to commend him to a patron, a desideratum which the writer shared with the teaching master in the twelfth century.

Students of Old French literature have given far too little attention to what its authors are likely to have studied and read and to how they may have accomplished the transition from composing in Latin to writing in French. The role of French in the *ambiance* of the schools of the twelfth century deserves renewed investigation. The published material is almost entirely confined to bilingual vocabularies or single word glosses.⁶ For the thirteenth century, however, we

5 Cf. M. Delbouille, 'A propos des origines de la lyrique romane: tradition "populaire" ou tradition "cléricale"', *Marche romane* 20 (1970) 13-27. See also the still valuable study of E. Faral, *Recherches sur les sources latines des contes et romans courtois du moyen âge* (Paris, 1913). In his introduction Faral anticipates the judgment of Nordström: 'La plupart des ouvrages écrits en français au XII^e siècle sont comme l'affleurement à la surface d'une très riche vie souterraine, de veines et de filons multiples, dont les œuvres en latin du même temps forment la masse enfouie' (pp. ix-x).

6 We have the interesting case of Serlo of Wilton who taught in Paris shortly after 1150 and in the new *studium generale* at Oxford c. 1167. For his arts course he compiled a collection of proverbs in Latin and French, classical tags being converted into leonine verse and grouped with translations or parallels in Anglo-Norman and, occasionally, English; see A. C. Friend, 'The Proverbs of Serlo of Wilton', *Mediaeval Studies* 16 (1954) 179-218. I am preparing a new edition of the twelfth-century Anglo-Norman glosses on Sidonius contained in Oxford, Bodleian Library

have the important Old French glosses, marginal and interlinear, to Gautier de Châtillon's *Alexandreis* which seem to represent an intermediate stage between the study of a school text and its elaboration into a *romanz*.⁷ But even this process of translation is not irreversible. Benedeit's Anglo-Norman *Voyage de St. Brendan*, whether originally composed in Latin or not, was itself translated into rimed Latin verse (London, British Library MS. Cotton Vesp. D. ix, fols. 2-10b) and into a Latin prose version of considerable text-critical value.⁸ If we cast aside, therefore, preconceptions about the chronological precedence of Latin literature or about the learning of its audience, we may uncover some of the bridge works which span the distance between school exercises and court literature.

The most striking example of this sort of transitional work appears to be the *comedia*. In discussing methods of amplification John of Garland describes the *comedia* as 'carmen iocosum incipiens a tristitia et terminans in gaudium'.⁹ The

MS. Digby 172, fols. 143r-150v. See also *Lexicographie latine du XII^e et du XIII^e siècle. Trois traités de Jean de Garlande, Alexandre Neckam et Adam du Petit-Pont, publiés avec les gloses françaises*, ed. Aug. Scheler (Leipzig, 1867); P. Meyer, 'Notice sur les *Corrogationes Promethei* d'Alexandre Neckam', *Notices et extraits* 35 (1896-97) 641-82; Ch. Thurot, *Notices et extraits* 22.2 (1868) 527-31 (O.F. glosses from MSS. of Alexandre de Villedieu's *Doctrinale*). In Oxford, Jesus College MS. 26 (a copy of the *Panormia* of Ivo of Chartres dated to the first half of the twelfth century), names of relationships in French and English have been added to the table of consanguinity on fol. 170v. I owe this reference to Mr. M. B. Parkes.

⁷ See Raffaele de Cesare, *Glosse latine e antico-francesi all' Alexandreis di Gautier de Châtillon* (Pubblicazioni dell' Università del Sacro Cuore N.S. 39; Milan, 1951). The editor comments thus on the author of the French glosses: 'Ogni affermazione in un senso o nell'altro sulla paternità del commento volgare ci sembra assai azzardata. Se da un lato, infatti, si sarebbe tentati di escludere la partecipazione di uno scolaro (a causa della difficoltà di possesso di un siffatto codice; della nettezza calligrafica con cui le glosse sono redatte; del contenuto stesso delle glosse presupponente una solida cultura umanistica), d'altro canto la particolare grafia del commento, che è grafia fondamentalmente fonetica e caratterizzata dalla più curiosa riunione o disunione di parole, e da altre particolarità connesse alla stesura di un discorso udito piuttosto che non direttamente pensato, escluderebbe a sua volta la mano d'autore — e di un autore che, per di più, fosse stato maestro. Pensare allora ad un maestro che detta e ad uno scolaro che trascrive dalla viva voce del docente?' (p. 34 n. 2). De Cesare further points out that 'l'attività del commento francese si esercita con maggiore impegno sui passi che potremo chiamare fantastici (o fantasticamente atteggiati) dalle imprese di Alessandro Magno' (p. 36).

⁸ See E. G. R. Waters, ed., *The Anglo-Norman Voyage of St. Brendan by Benedeit. A Poem of the Early Twelfth Century* (Oxford, 1928), pp. cv-cxxv.

⁹ *The 'Parisiana Poetria' of John of Garland*, ed. Traugott Lawler (New Haven, Conn., 1974), p. 80. John also refers, however, to the *comedia perfecta* which, he says, should have five acts corresponding to the five principal characters, declaring 'non tamen semper introducuntur quinque persone in qualibet comedia, quia quandoque materia iocose recitata comedia nuncupatur' (p. 80, ll. 470-72). This may suggest that for John one type of *comedia*, presumably the Terentian kind, was a genuinely dramatic kind, different from the elegiac comedy under discussion which was recited. This would, however, be surprising, for it is not the usual medieval view of Terence. Another possibility is that he attributed the realization of one type of comedy to a single reciter and another type to several reciters (i.e. with some distribution of roles), but which?

illustrative material which he supplies clearly suggests a narrative rather than a dramatic genre, in verse, containing dialogue and a dramatic plot, written in a modest and sometimes colloquial style. The theme necessarily involves an amatory problem, since according to John the *comedia* is not only a *carmen iocosum* but also *elegiacum*, 'id est miserabile carmen quod continet uel recitat dolores amantium ... item notandum quod illa species narrationis que dicitur Argumentum est Comedia, et omnis Comedia est elegia, sed non convertitur' (p. 102). *Argumentum* itself is defined, following *Rhet. ad Her.* 1.8, as 'res ficta que tamen fieri potuit, ut contingit in comediis' in which 'non fiat inuocatio diuina nisi difficultas inciderit' (p. 100). Indeed, the gods have no place in the *comedia* with its prosaic, albeit stylized, everyday concerns,¹⁰ its unpretentious depiction of the vicissitudes of lovers and its statutory happy end to a domestic problem.¹¹

Aside from Boethius' theatrical allusions,¹² medieval descriptions of the *comedia* tend to be drawn from works like the *Glossae* of Placidus,¹³ Isidore's *Etymologiae*,¹⁴ the *De comoedia* of Donatus,¹⁵ and the fragments of Evanthius

10 In his *Dialogus super auctores* Conrad of Hirsau describes different types of *carmina*, including 'comicum, id est villanum (*comos* enim villa dicitur)'; see *Accessus ad auctores. Bernard d'Utrecht, Commentum in Theodolum. Conrad d'Hirsau, Dialogus super auctores*, ed. R. B. C. Huygens, 2nd rev. and corr. edition (Leiden, 1970), p. 76, ll. 153-54. On the thematic relation to Roman comedy cf. G. E. Duckworth, *The Nature of Roman Comedy. A Study in Popular Entertainment* (Princeton, 1952; rpt. 1971). On the question of the intervention of the gods note the *Geta*-poet's neat avoidance of the *deus ex machina* in the final scene.

11 A gloss to Eberhard's *Laborintus* explains that while tragedy deals with kings' '*comedia* est secundus modus scribendi et est descriptio carminum de conviviis'; see E. Faral, *Les arts poétiques du XII^e et du XIII^e siècle* (Paris, 1924; rpt. 1958), p. 337 n. 5. A twelfth-century *Accessus ad auctores* explains *comedia* thus: '*comos* est vicus, *ode* carmen: inde *comedia*, quia mediocres habet personas, flebile principium, letum finem' (Huygens, *ibid.*, p. 43).

12 See M. H. Marshall, 'Boethius' Definition of *Persona* and Mediaeval Understanding of the Roman Theatre', *Speculum* 25 (1950) 471-82.

13 'Tragoedia est enim genus carminis quo poetae regum casus durissimos et scelera inaudita vel deorum res alto sonitu describunt; comoedia, quae res privatorum et humilium personarum comprehendit, non tam alto ut tragoedia stilo, sed mediocri et dulci' (*Glossae Placidi grammatici in Glossaria latina* 4, ed. J. W. Pirie and W. M. Lindsay (Paris, 1930), p. 34, 21). Cf. H. Usener, 'Vergessenes', *Rheinisches Museum für Philologie* N.S. 28 (1873) 418; Diomedes, *De poematibus in Artis grammaticae libri III*, ed. H. Keil, *Grammatici latini* I (Leipzig, 1857; rpt. Hildesheim, 1962), p. 488, ll. 14-16: 'Comoedia a tragoedia differt, quod in tragoedia introducuntur heroes duces reges, in comoedia humiles atque privatae personae; in illa luctus exilia caedes, in hac amores, virginum raptus'

14 'Comoedi sunt qui privatorum hominum acta dictis aut gestu cantabant, atque supra virginum et amores meretricum in suis fabulis exprimebant' (*Isidori Hispalensis episcopi Etymologiarum sive Originum libri XX*, ed. W. M. Lindsay (Oxford, [1911]), 18. 46).

15 'Comoedia est fabula diuersa instituta continens affectuum ciuiliū ac priuatorum ... comoediam esse Cicero ait imitationem uitae, speculum consuetudinis, imaginem ueritatis' (*Aeli Donati Commentum Terenti*, ed. P. Wessner, I (Leipzig, 1902), *De comoedia* 5.1, p. 22). The surviving MSS. contain much scholastic material alongside what is judged to be Donatus' original work.

transmitted with Donatus.¹⁶ This is the sort of material taken up by writers in the Middle Ages such as the Italian cleric Papias who, in the middle of the eleventh century (c. 1053), wrote his *Elementarium doctrine erudimentum* and John of Genoa (Joannes Balbus Januensis), who composed his *Catholicon* in 1286.¹⁷ It inevitably brings to mind those modest medieval Latin compositions frequently referred to as *comediae elegiacae*. They are unpretentious works, built round some vulgar amorous intrigue, designed simply as entertainment and strongly redolent of the schoolroom. They are written in elegiac distichs, with the exception of *De nuntio sagaci* which is in leonine hexameters. It can be argued that many of them are declamatory pieces in the Dracontian manner, mixing narrative and dialogue in a dramatic way suitable for recitation.¹⁸ They have been quite unjustly neglected by students of Old French, in spite of the fact that full bibliographical details have long been available.¹⁹ In 1931 Gustave Cohen, considering them to possess sufficient features in common to constitute a corpus, published in two volumes editions of all the *comediae* prepared by thirteen of his former students.²⁰ Although the establishment of the texts has in few cases been completely satisfactory, it has elicited constructive criticism.²¹ A general *color*

16 'Inter tragoediam autem et comoediam cum multa tum inprimis hoc distat, quod in comoedia mediocres fortunae hominum, parui impetus periculorum laetique sunt exitus actionum, at in tragoedia omnia contra, ingentes personae, magni timores, exitus funesti habentur; et illic prima turbulenta, tranquilla ultima, in tragoedia contrario ordine res aguntur; tum quod in tragoedia fugienda uita, in comoedia capessenda exprimitur; postremo quod omnis comoedia de fictis est argumentis, tragoedia saepe de historica fide petitur.' The passage is taken from Evanthius' *De fabula* transmitted in Donatus, *Commentum Terenti* 4. 2, p. 21.

17 For the importance of lexicographical evidence see the noteworthy studies of M. H. Marshall, 'Theatre in the Middle Ages: Evidence from Dictionaries and Glosses', *Symposium* 4 (1950) 1-39 and 366-89. Cf. L. W. Daly and B. A. Daly, 'Some Techniques in Medieval Latin Lexicography', *Speculum* 39 (1964) 229 ff.

18 See D. Bianchi, 'Per la commedia latina del sec. XII', *Aevum* 29 (1955) 171-78.

19 See P. Bahlmann, 'Die epischen Komödien und Tragödien des Mittelalters', *Centralblatt für Bibliothekswesen* 10 (1893) 463-70, who lists about twenty pieces with full details of editions and critical literature up to the time of his writing. The article was later complemented by J. Rolland, *Les origines latines du théâtre comique en France. Essai bibliographique* (Paris, 1927), pp. 73 ff. See also W. Cloetta, *Beiträge zur Literaturgeschichte des Mittelalters und der Renaissance*, vol. 1: *Komödie und Tragödie im Mittelalter* (Halle a.S., 1890), pp. 68-106 and the review by E. Voigt, *Zeitschrift für deutsches Altertum* N.S. 23 (1891) [Anzeiger 17 (1891)] 5-10.

20 G. Cohen, *La 'comédie' latine en France au XII^e siècle*, 2 vols. (Paris, 1931). Cf. G. Cohen, 'La "comédie" latine en France dans la seconde moitié du XII^e siècle' in *Académie Royale de Belgique, Bulletin de la classe des lettres*, 5th Ser., 17 (1931) 225-68.

21 See W. B. Sedgwick, 'Notes, Chiefly Textual, on Cohen's *La comédie latine en France*', *Archivum latinitatis medii aevi* [Bulletin Du Cange] 8 (1933) 164-68; K. Strecker, 'Kritisches zu mittellateinischen Texten', *Historische Vierteljahrschrift* 28 (1934), esp. 767-80; S. T. Collins, 'On the Text of the *De Tribus Puellis*', *Classica et mediaevalia* 10 (1948) 159-64; H. Hagendahl, 'Contributions aux *comediae elegiacae* du moyen âge' in *Mélanges de philologie romane offerts à M. Karl Michaëlsson* (Göteborg, 1952), pp. 230-39; E. Faral in *Revue critique d'histoire et de littérature* N.S. 98 (1931) 530-36.

Ovidianus in these texts did not go unremarked, but it was several years before H. Hagendahl, in a rarely noticed article, revealed the full extent of their debt to Ovid, how many quotations from the Sulmonensian poet they contained, how many of his ideas they pillaged, how closely they imitated his handling of the verse.²² The study was published many years, of course, after Guyer had charted the influence of Ovid on Chrestien (without suggesting the method of contact between the two authors).

The connexion with Ovid is not in the least surprising. Vitalis of Blois, author of the *Geta* and *Aulularia*, and William of Blois, who composed the *Alda*, both came from the Orléans region. The schools of Orléans were celebrated throughout the twelfth century for the explication of the *auctores*.²³ Arnulf wrote his glosses and commentaries on Ovid there and it has recently been suggested that he is also the author of two *comediae*, *Miles* and *Lidia*.²⁴ Hugh Primas, the composer of Goliardic poetry, spent some time in Orléans, where he apparently excelled in verse competitions between local clerics and those of Blois.²⁵ Jacobsen rightly pointed out that the school origins of the *comediae* permitted a variety of dramatic realisations.²⁶

Repeated comparison with the *fabliau* led to some neglect of the *comedia's* dramatic qualities,²⁷ a neglect reinforced by an implicit assumption that all the

22 H. Hagendahl, 'La "comédie" latine au XII^e siècle et ses modèles antiques' in *ΔΡΑΓΜΑ Martino P. Nilsson A.D. IV ID. IUL. ANNO MCMXXXIX dedicatum* (Lund, 1939), pp. 222-55. See now P. O. Brøndsted, 'The Medieval "Comedia": Choice of Form', *Classica et mediaevalia* 31 (1970) 258-68, who emphasizes Ovidian elegy as the original model of the *comediae*.

23 Matthew of Vendôme in the introduction to his collection of exemplary letters says: 'Parisius logicam sibi iactitet, Aurelianus / Auctores: elegos Vindocinense solum' (W. Wattenbach, 'Ein poetischer Briefsteller von Matthäus von Vendôme', *Sitzungsberichte der bayerischen Akademie* 2 (1872) 571).

24 B. Roy, 'Arnulf of Orleans and the Latin "Comedy"', *Speculum* 49 (1974) 258-66. Lines 310-66 of the *Miles gloriosus* are contained in Oxford, Bodleian Library MS. Lat. misc. d. 15 (s. xiii), fol. 7a-b, apparently unknown to the work's editor, Baschet (see Cohen, *La 'comédie' latine* I. 179 ff.).

25 See L. Delisle, 'Les écoles d'Orléans au douzième et au treizième siècle', *Annuaire-Bulletin de la Société de l'Histoire de France* (1869), especially 147. On the fame of Orléans for classical learning see L. J. Paetow, ed., *Two Medieval Satires on the University of Paris. La bataille des VII ars of Henri d'Andeli and the Morale scolarium of John of Garland* (Berkeley, 1927), pp. 17 ff. For the most recent study of Matthew of Vendôme see B. Harbert, 'Matthew of Vendôme', *Medium aevum* 44 (1975) 225-37. Matthew, author of the *Milo*, studied at Orléans in the time of Hugh Primas.

26 See J.-P. Jacobsen, 'La comédie en France au moyen âge: III. les "comédies élégiaques" et le théâtre populaire du moyen-âge', *Revue de philologie française et de littérature* 23 (1909) 81-106, who says (95) of the *comediae*: 'De les écrire, réciter, représenter ou voir représenter au milieu des camarades, à les traduire ou imiter en français, à faire un monologue dramatique, un dit, une farce, il n'y avait qu'un pas.'

27 E. Faral, 'Le fabliau latin au moyen âge', *Romania* 50 (1924) 321-85. Of particular interest is P. Dronke, 'The Rise of the Medieval Fabliau: Latin and Vernacular Evidence', *Romanische For-*

items included in Cohen's collection must be taken together and treated as an unified corpus. There is no reason why they should be so considered.²⁸ The relationship of narrative and dialogue differs from piece to piece (*Babio* and *De clericis et rustico* contain no third person narration) and Beyer, describing this variety, is right to refer to their 'pseudo-dramatic form'.²⁹ Although his confidence in an established chronological evolution of the *comediae* is unjustified, Beyer is more convincing when he concludes in favour of performance by a *mimus*,³⁰ in accordance with the description provided by Geoffrey of Vinsauf:

In recitante sonent tres linguae: prima sit oris,
Altera rhetorici vultus, et tertia gestus.³¹

In other words, the *comediae* involve the same techniques of recitation as must have been employed in the delivery of many of the romances. In the dispute con-

schungen 85 (1973) 275-97, who sees the spirit of the *fabliau* in the *effect* produced by the poet's manipulation of themes and sees the earliest literary manifestation of this in some of the Cambridge Songs going back to the tenth century. The choice of the form in which this spirit is manifested is dictated by contemporary vogues for particular literary forms. The elegiac *comediae* exploit a classicizing vogue in style and form, though whether this vogue continues a long tradition in profane Latin verse we cannot be sure. The case for genuine dramatic performance of the *comediae* as plays is argued by M. M. Brennan, ed., *Babio. A Twelfth Century Profane Comedy* (The Citadel Monograph Series 7; Charleston, S. C., 1968). It is not upheld by S. Sticca, *The Latin Passion Play. Its Origins and Development* (Albany, 1970), pp. 13-19.

28 This is the argument of a neglected study by Gustavo Vinay, 'La commedia latina del secolo XII', *Studi medievali* N. S. 18 (1952) 209-71, who views the *comedia* 'non come un ente ma come un divenire' and hence concludes 'delle "commedie elegiache" del secolo XII alcune sono "fabliaux"' [e.g. *Alda*, *Miles gloriosus*, *Lidia*], altre sono altra cosa, altre ancora sono "simpliciter" commedie a cui va mantenuta una posizione a sè nella storia del dramma, in quanto essa non si confonda con la storia di una tecnica ma si identifichi con un succedersi di concreti e peculiari atteggiamenti della fantasia' (271).

29 J. Beyer, *Schwank und Moral. Untersuchungen zum altfranzösischen Fabliau und verwandten Formen* (Heidelberg, 1969), pp. 18-33. Of the *Pamphilus*, for example, he declares 'somit können wir, ohne jetzt schon einer näheren Bestimmung fähig zu sein, im *Pamphilus* nur eine Lese-, Vorlese- oder Rezitationsstück sehen' (p. 27).

30 *ibid.*, pp. 29-30. On the varied activities and status of the *jongleur* see R. Morgan, Jr., 'Old French *Jogleor* and Kindred Terms', *Romance Philology* 7 (1953-54) 279-325 and J. D. A. Ogilvy, 'Mimi, Scurrae, Histriones: Entertainers of the Early Middle Ages', *Speculum* 38 (1963) 603-19. See also G. Brugnoli, 'Note di filologia medioevale. I. Teatro latino medioevale', *Rivista di cultura classica e medioevale* 3 (1961) 114-20; and F. Ermini, *Medio Evo latino. Studi e ricerche* (Modena, 1938), p. 241, who refers to the *comediae* thus: 'non tutte forse destinate alla scena, ma talune ad esercizio oratorio e declamatorio nell'aula della scuola di retorica.'

31 E. Gallo, *The 'Poetria Nova' and Its Sources in Early Rhetorical Doctrine* (The Hague, 1971), p. 124, ll. 2036-37 and cf. pp. 221-22. In the *Documentum de arte versificandi* Geoffrey cites *De clericis et rustico* as an example of 'materia jocosa' and eschews the term *comedia* ('Ad praesens igitur omittamus de comoedia'; Faral, *Les arts poétiques*, p. 317). The *De tribus sociis* is cited, in different forms, in both the *Poetria nova* and the *Documentum* as an example simply of 'materia jocosa'.

cerning their representation it is not really this point about performance which characterizes them best. If we accept that the mode of representation was that of dramatic recitation, either by a single reciter or some assistants,³² this leaves us with the more fundamental problem of their audience. It is difficult to see how the *comediae* could easily become popular in the way that the *fabliaux* became familiar to a large and heterogenous public and it is natural to conclude with Beyer that the audience consisted of 'die gebildeten Mitglieder von Klosterschulen' (p. 33).³³

It is also difficult to distinguish literary tradition from reliable reference to contemporary realities, to distinguish, as Bigongiari says, 'what is obviously rhetorical, moralizing or encyclopedic antiquarianism and what is genuinely representative of contemporary conditions.'³⁴ Ovid's advice 'sed tu praecipue curvis venare theatris' (*Ars am.* 1.89) naturally led to varied elaboration in medieval writers. A thirteenth-century commentary on the *Ars amatoria* makes little at-

32 Cf. the remarks of Roy, 'Arnulf', 261-62, who refers to 'public recitation made by one person, alone or accompanied by mimes.' In the case of *Babio* Richard Axton, in *Medium aevum* 39 (1970) 52, favours the idea of recitation accompanied by mime. W. Creizenach, *Geschichte des neueren Dramas* 1 (Halle, 1893), p. 34, rejects the idea of dramatic performance or even recitation with distribution of roles. The *Pamphilus*, though without narrative, could, of course, be understood as an autobiographical account by the principal protagonist; see F. Rico, 'El origen de la autobiografía en el *Libro de Buen Amor*', *Anuario de estudios medievales* 4 (1967) 301-25.

33 Many of the *comediae* would be incomprehensible to any but a learned, clerical audience. M. Silvestre, in *Le Moyen Age* 78 (1972) 141, is particularly cautious in the case of *Babio*: 'Très peu de personnes en Angleterre, à l'époque considérée, étaient capables de comprendre une comédie en vers latins à la première audition. Peut-être même n'y en avait-il pas une seule. Cela revient à dire qu'il était indispensable d'étudier le texte avant de pouvoir le goûter lors d'une représentation.' On the basis of the technique of role-playing S. L. Wailes concludes 'that there may be more than analogy between the genres *comedia* and *fabliau*; to the degree that the latter is a *genre courtois burlesque*, it may have arisen in the same social environment as the former and taken from it noteworthy literary traits'; see 'Role-Playing in Medieval *Comediae* and *Fabliaux*', *Neuphilologische Mitteilungen* 75 (1974) 649. No genetic links between the two genres have so far been established and there are obvious objections to the view that they derive from a common social or intellectual milieu.

34 D. Bigongiari, 'Were There Theaters in the Twelfth and Thirteenth Centuries?', *Romanic Review* 37 (1946) 201 [-224]. Bigongiari rightly criticizes the value of the evidence adduced by Professors Loomis and Cohen in an article with the same title published in *Speculum* 20 (1945) 92-98. In the *Verbum abbreviatum* Peter the Chanter expresses the wish that candidates for promotion in the Church might be selected with at least as much care as parts in contemporary dramatic productions are cast: 'Item si in representatione miraculorum sancti nicholai vel alicuius sancti licet iocose facta tamen movente hominibus affectus attenditur etas, ut personatum beati nicholai dent simplici ac mansueto, personatum abacuc seni, personatum ioseph discreto et eloquenti. Vel si etiam in festo stultorum in comediis et tragediis et in huiusmodi ludicris ac mimicis representationibus representatur nobis quales in officiis singulis debeant persone eligi, quare in seriis et exhibicione veritatis in veris, scilicet, pastoribus ecclesie eligendis non attenditur vel consideratur quae persone debeant eligi vel quam mature etatis?' (*Verbum*, MS. V, fol. 79va; quoted in J. W. Baldwin, *Masters, Princes and Merchants. The Social Views of Peter the Chanter and His Circle* 2 (Princeton, 1970), p. 144 n. 234).

tempt to introduce contemporary detail at this point, referring only to 'les danses, les escremies, les tournoiemens, les tables et les luictes'.³⁵ Maistre Elie, on the other hand, sings the praises of Paris in this connexion, particularly 'la foïée' at 'S. Germain des Prez' and specifies:

Et se li cler[c], si com il suelent,
Aucuns gens represanter vuelent,
La revont tuit communement,
Joene, chenu, petit et grant
...³⁶

The verb *representer* is rare and difficult to interpret.³⁷ Elie's comment is all too typical in its lack of precision or specificity. On the whole, lack of clear evidence and the dictates of common sense must lead us to the view that there is no definitive way of looking at the *comediae*. They do not represent a very unified corpus, the texts themselves varying like the romances in their relative admixture of narrative and dialogue.³⁸ They are susceptible of presentation in a number of ways, like the romances, and according to variations of time, place and conditions might be declaimed by a single reciter, recited by a small group with a minimal distribution of roles and finally, of course, simply read. The markedly scholastic humour of some of the *comediae* strongly suggests that *in origin* they were designed for improvisation in the schoolroom, but it is natural to assume that with the passage of time they achieved performance before more varied audiences than the clerics who composed them and that some degree of experimentation took place in the mode of presenting them. In many cases the number of surviving MSS. is impressive (at least sixty MSS. for both the *Pam-*

35 See *L'Art d'amours. Traduction et commentaire de l'"Ars Amatoria" d'Ovide*, ed. Bruno Roy (Leiden, 1974), p. 80.

36 *De Ovide de arte*, ed. H. Kühne and E. Stengel, ll. 167 ff. in A. M. Finoli, *Artes amandi. Da Maître Elie ad Andrea Cappellano* (Milan-Varese, 1967), p. 6. Jakes d'Amiens, *L'Art d'amours*, ed. D. Talsma, ll. 72 f., 84-85 (ibid., pp. 35 f.), refers only to 'moustier', 'les nocés', 'les carolles', 'les danses'.

37 No meaning like 'aufführen' is given by Tobler-Lommatzsch, *Altfranzösisches Wörterbuch* 8. 940-41. Godefroy, 10.551a, gives the lines from Maître Elie under the gloss 'replacer sous les yeux de qqu'un (une personne, une chose)'. On *representatio/representare* see E. Wolff, 'Die Terminologie des mittelalterlichen Dramas in bedeutungsgeschichtlicher Sicht', *Anglia* 78 (1960) 3-9.

38 Useful statistics for the romances are given in Peter Wiehl, *Die Redeszene als episches Strukturelement in den Erec- und Iwein-Dichtungen Hartmanns von Aue und Chrestiens de Troyes* (Munich, 1974), especially in a table on p. 67. The figures for direct speech in Chrestien are as follows: *Erec* = 37%, *Yvain* = 46.9%. These figures are about the same for *Pamphilus*, *Gliscerium et Birria* and *Alda* respectively. Hartmann's *Iwein* with 52.3% direct speech corresponds with *Lidia*. Contrasting with the absence of narrative in *Babio* and *Pamphilus* is the very high incidence of narrative (c. 75%) in *Miles gloriosus* and *Milo*. In *Geta* about one fifth of the total verses are narrative. The same is true of *Aulularia*.

philus and the *Geta*) and testifies to considerable popularity.

The question that now needs to be asked is whether further links can be established between the *comediae* and the romances and, more precisely, whether the *comediae* may be seen as transitional works representing that point in a poet's career which lay between school education and court patronage, thus supplying the immediate antecedents for the vernacular romances.

The most celebrated of the *comediae* is without doubt the *Pamphilus*, whose English connexions are reinforced by the use of the word 'pamphlet'. Its date of composition has usually been assigned to c. 1200 on the basis of a *terminus ante quem* furnished by Robert de Ho, who was possibly a continental writer, in his *Les enseignements Trebor de vivre sagement* (1192-1203/4).³⁹ This is said to be confirmed by another allusion, in one of Odo of Cheriton's fables in the *Liber parabolarum*, sometimes dated c. 1200, but actually a later work.⁴⁰ We can, however, go further than this. In the Bayerische Staatsbibliothek in Munich there is a twelfth-century MS. from Tegernsee (Clm 19475) which contains a collection of *accessus* to the *auctores*, a collection substantially the same as those found in Munich MS. Clm 19474, also from Tegernsee (end of the twelfth century or beginning of the thirteenth), and Vatican City MS. Pal. lat. 242 (also end of the twelfth century or beginning of the thirteenth). In addition to this corpus of *accessus* it contains a set of glosses on the *Heroides* (fols. 16-31v) and then two new *accessus*, presumably younger than the established corpus, one to the *Pamphilus*, the other to *Tebaldus* (both fol. 31v). The *accessus Pamphili* runs as follows:

39 M. V. Young, *Les enseignements de Robert de Ho, dits Enseignements Trebor* (Diss. Paris, 1901), ll. 1017 ff.: 'Si te souviengne de Venus, / Cum doctrina danz Pamphilus / ...' The advice reported is that given in *Pamphilus*, ll. 116-18. I use the new edition by Franz G. Becker, *Pamphilus. Prolegomena zum Pamphilus (de amore) und kritische Textausgabe* (Beihefte zum Mittel-lateinischen Jahrbuch 9; Ratingen, 1972). There is also a useful text (from Toledo, Biblioteca del Cabildo MS. 102-11) in Keith Bate, ed., *Three Latin Comedies* (Toronto Medieval Latin Texts 6; Toronto, 1976), pp. 61 ff.

40 In the tale *De duobus sociis, uno verace, alio mendace* the line 'Et quandoque nocet omnia vera loqui' (*Pamphilus*, l. 124) is quoted as the moral of a story concerning the wager between two friends about the advantage of telling the truth. See L. Hervieux, *Les fabulistes latins*, vol. 4: *Eudes de Cheriton et ses dérivés* (Paris, 1896), pp. 201-202. On Odo see A. C. Friend, 'Master Odo of Cheriton', *Speculum* 23 (1948) 641-58, who dates the *Parabola* after 1224. Odo may also have known another *comedia*, *Babio*, for in one of his stories he links the cuckoo and Nero as examples of ingratitude in a way that recalls *Babio*, l. 236; see M. Feo, 'Per la commedia elegiaca I. Nerone e il cuculo nella fantasia medioevale', *Annali della Scuola Normale Superiore di Pisa, Classe di lettere e filosofia*, 3rd Ser., l. 1 (1971) 87-107. It is possible that Odo also knew *De nuntio*. In a list of quotations from Odo's sermons Hervieux, *ibid.*, p. 351 cites 'mella sub ore tenent, corde venena foveant' (cf. *De nuntio*, l. 154).

In exordio huius libri ista sunt considerata, scilicet materia, intentio, utilitas, cui parti philosophiae subponatur et titulus. Materia huius libri sunt istae tres personae Pamphilus, Galathea et anus, intentio auctoris est tractare de amore Pamphili et Galathea, utilitas est ut hoc libro perfecto unusquisque sciat sibi pulcras invenire puellas, vel utilitas est cognitio eorum quae continentur in hoc libro. Ethicae subponitur quia de moribus loquitur. Titulus talis est: *Incipit liber Pamphili et Galathea. Pan*, id est totus, *philos*, id est amor, inde Pamphilus quasi totus in amore, *gala*, id est alba, *thea*, id est dea, inde Galathea quasi alba dea. Pamphilus fuit quidam qui quandam puellam, scilicet Galatheam, valde diligebat et eam nullo modo habere poterat. Tandem ivit ad Venerem, cuius consilio acquisivit sibi interpretem eiusque auxilio habuit eam. Unde compositus est liber iste. Descensus ad litteram talis est: *Ego diligo quandam puellam et ideo ego volneror*.⁴¹

Although the tradition of the *accessus* is a venerable one,⁴² it is natural to conclude that the *accessus Pamphili* is a twelfth-century composition and was added to the collection in MS. Clm 19475 as the *Pamphilus* began to become widely known (and read!). It is accompanied by the *accessus Tebaldi* on the *Regula de longis de brevibusque protis* of Tebaldus of Piacenza, who is believed to be a twelfth-century author. Can we be more precise about the twelfth-century date for the *Pamphilus*, bearing in mind that Martini described it as 'vermutlich aus dem Anfang des 12. Jahrhunderts'?⁴³ There is an important piece of evidence, hitherto somewhat neglected, which now requires careful analysis. John of Salisbury, in his *Metalogicon*, completed in 1159, twice employs a proverb which also appears in the *Pamphilus*. The references are as follows:

labor improbus uincit omnia *Met.* 1.6
 labor improbus omnia uincit *Met.* 4.30⁴⁴
 labor improbus omnia uincit *Pamph.* 1.71.

It is clear that this proverb may be linked with *Georgica* 1.145-46 *labor omnia vicit improbus*. The entries in Walther⁴⁵ are limited to printed collections of proverbs and to four MSS. of the fourteenth-fifteenth centuries. The *Pamphilus* is not cited. In a note to the first occurrence of the phrase in the *Metalogicon* Webb referred his reader to the Virgilian locus (p. 21), but on the second occurrence (p.

⁴¹ *Accessus ad auctores*, ed Huygens, p. 53.

⁴² See E. A. Quain, 'The Medieval Accessus ad Auctores', *Traditio* 3 (1945) 215-64; R. W. Hunt, 'The Introductions to the "Artes" in the Twelfth Century' in *Studia mediaevalia in honorem R. J. Martin O.P.* (Bruges, 1948), pp. 85-112; and H. Silvestre, 'Le schéma "moderne" des *accessus*', *Latomus* 16 (1957) 684-89.

⁴³ E. Martini, *Einleitung zu Ovid* (Schriften der philosophischen Fakultät der deutschen Universität in Prag 12; Brünn, 1933), p. 86.

⁴⁴ See *Ioannis Saresberiensis episcopi Carnotensis Metalogicon libri IIII*, ed. C. C. I. Webb (Oxford, 1929).

⁴⁵ H. Walther, *Proverbia sententiaeque latinitatis medii aevi* 2.2 (Göttingen, 1964), no. 13363 'labor omnia vincit improbus'.

197) Webb referred the reader to Jahnke's suggestion that the tag is derived from the *Pamphilus*. He does not seem to have remembered that the tag had already occurred in book 1 of the *Metalogicon*. There seem to me to be two arguments which favour John's derivation of this tag from the *Pamphilus*. First, there is the obvious superiority (for the purposes of this demonstration) of the reading *vincit* to *vicit*. On its second occurrence in John the tag is identical with that in the *Pamphilus*. Second, there is the question of context. In the first passage John is discussing eloquence (or rather 'Cornificius' views on it), in the second the importance of Philology. It is quite natural to think here of Venus' speech to Pamphilus (introduced by the one narrative line in the whole piece, 'tunc Venus hec inquit') in which she assures him that 'excitat et nutrit *facundia* dulcis amorem / et mulcens animos mitigat ipsa feros' (107-108) and encourages him with the exhortation 'quod non es, simulare potes *dictis* habituque, / maxima sors paruo contigit ingenio' (119-20). Indeed, it is part of this speech which is paraphrased in Robert de Ho's *Enseignements Trebor*, as we have seen. Virgil's 'labor omnia vicit / improbus et duris urgens in rebus egestas', it need hardly be said, belongs to a totally different context. It therefore seems reasonable to conclude that John of Salisbury is echoing the *Pamphilus*, which should thus be dated before 1159. Of course, the author of the *Pamphilus*, having mastered the *auctores*, may well have drawn on the *Georgica* for his tag, but by modifying it and placing it in a new context he gave it a currency which it had not had before.⁴⁶ It is thus in the second half of the twelfth century that we should situate the growing popularity of the *Pamphilus*.

This suggestion may easily be confirmed. The *Pamphilus* was known, as was the *Alda*, to Enrico da Settimello who composed his *Elegia* not later than 1193.⁴⁷

46 Hugo of Trimberg, in his *Registrum multorum auctorum* (c. 1280), describes the *Pamphilus* as 'comptus in proverbiiis, ad mala non proclivus'. The tag under discussion is found under *proverbia de pamphilo* in Cambridge, Gonville and Caius College MS. 238 (s. xiii), under *Pamphili* in Paris, Bibliothèque Nationale MS. lat. 15155 (s. xiii), under *flores pamphili* in Bonn, Universitätsbibliothek MS. S. 220 (s. xv), under *prouerbia pamphili* in Vatican City MS. Reg. lat. 1562 (s. xiii), under *De libro pamphili* in Troyes, Bibliothèque Municipale MS. 2013 (s. xv) and under *Amatorium paruum siue precepta amandi extracta a pamphilo ad galatheam* in Berne, Bürgerbibliothek MS. 506 (s. xv). It must be admitted, however, that this is an unimpressive count from the sixty-five MSS. containing excerpts which are listed by Becker, *Pamphilus*, pp. 90-117. Nigel de Longchamps, who certainly knew several of the *comediae*, includes the line 'utque nihil timeam labor improbus omnia vincet' in his *Speculum stultorum*, l. 1197 (ed. J. H. Mozley and R. R. Raymo [Berkeley-Los Angeles, 1960]), composed in 1179/80. There is also the interesting case of the tag as found in Accursio's Gloss to the *Institutiones* of Justinian and attributed in different editions to 'Panphilus', 'Vergilius' and 'Oracius'; see A. Campana, 'La citazione del *Pamphilus* in una glossa al proemio delle Istituzioni', *Atti del Convegno internazionale di studi accursiani*, Bologna 21-26 ottobre 1963, ed. G. Rossi, 2 (Milan, 1968), pp. 511-20.

47 See Enrico da Settimello, *Elegia*, ed. G. Cremaschi (Bergamo, 1949), 2.37 (cf. *Pamph.* 463), 2.158 (cf. *Pamph.* 40), 4.100 (cf. *Pamph.* 350), 1.29 f. (cf. *Alda* 47), 1.71 ff. (cf. *Alda* 371 f.), 1.78 (cf. *Alda* 30). Henry's poem is transmitted with the *Pamphilus* in Berlin, Staatsbibliothek,

Line 350 of the *Pamphilus* is quoted by Alexander Nequam in his *Solatium fidelis animae*, composed after he entered the monastic life (1197-1201).⁴⁸ A considerable portion of the text of the *Pamphilus* is found in a florilegium, Munich, Bayerische Staatsbibliothek MS. Clm 29110a, which is dated c. 1200, and a twelfth-century catalogue of an unspecified library in Paris, Bibliothèque Nationale MS. lat. 8041 refers to a *Pamphili*.⁴⁹

By the thirteenth century the quotation of the *Pamphilus*, whether directly or via florilegia, was common, not merely in Latin literature⁵⁰ but also in vernacular poetry.⁵¹ The date of Giraut de Calanço's *ensenhamen* 'Fadet joglar', in which the poet makes it clear to his *joglar* that he should have known 'De Pamfili', is variously put in the last decade of the twelfth century or the first decade of the thirteenth century,⁵² but in any case indicates that the *Pamphilus* had emerged from the ranks of the school *auctores*⁵³ and entered the court repertoire. By 1260 it is found in a Norwegian MS., Uppsala, Universitetsbiblioteket DG 4-7, which

Preussischer Kulturbesitz MS. Lat. 4° 781 (s. xv); Basel, Öffentliche Bibliothek der Univ. MS. F VI 15 (s. xv); Vatican City MS. Vat. lat. 2868 (s. xiv); Vienna, Österreichische Nationalbibliothek MS. 3114 (s. xv).

48 R. W. Hunt, *Alexander Neckam* (D. Phil. thesis, Oxford, 1936). p. 42.

49 See L. Delisle, *Le cabinet des manuscrits de la Bibliothèque Nationale* 2 (Paris, 1874), p. 508.

50 There are half a dozen cases of borrowing from the *Pamphilus* in Albertanus of Brescia's *Liber consolationis et consilii* (1246); see *Albertani Brixiensis Liber consolationis et consilii ex quo hausta est fabula de Melibee et Prudentia*, ed. Th. Sundby (The Chaucer Society, 2nd Ser., 8; London, 1873), pp. 3, 24, 54, 71, 98, though all the citations may be found independently in Walther. Eberhard of Bethune, some time before 1212, quotes line 619 of the *Pamphilus* in his *Graecismus* l. 60, ed. J. Wrobel (Breslau, 1887).

51 The thirteenth-century *L'amistiés de vraie amour*, based on Peter of Blois's *De amicitia*, translates two lines from the *Pamphilus*; see Finoli, *Artes amandi*, p. 448: *dont Panphiles dist*: 'Douche parole encite(e) et engenne l'amour ke proece ne puet conquerre' (see *Pamph.* 107 f.) and *dont Panphiles dist*: 'Esperance refait son signeur et souvent le dechoit' (see *Pamph.* 16). In the same century (c. 1260) in the Low Countries Diederik van Assenede's *Floris ende Blancefloer* contains the following passage relating that the hero and heroine 'Ende even gestadech an die minne. /Dat si oec dicke lesen horden /Die treken, die ter minnen horden, /Ende mense oec te lesene sette /In Juvenale ende in Panflette /Ende in Ovidio de Arte Amandi, /Daer si vele leerden bi, /Dat hem bequam ende dochte goet' (*Floris ende Blancefloer*, ed. J. J. Mak (Zwolle, 1960), ll. 330-37).

52 A summary of the arguments will be found in F. Pirot, *Recherches sur les connaissances littéraires des troubadours occitans et catalans des XII^e et XIII^e siècles. Les 'sirventes-ensenhamen' de Guerau de Cabrera, Guiraut de Calanson et Bertrand de Paris* (Memorias de la Real Academia de Buenas Letras de Barcelona 14; Barcelona, 1972), pp. 253-61. Pirot argues only for the period 1190-1220, no greater precision being, in his opinion, possible.

53 Verses from the *Pamphilus* are regularly found in *florilegia* of classical and medieval school authors, especially, of course, Ovid. Henri d'Andeli, describing the army of grammar in *La bataille des VII ars*, declares 'La fu li sages Chatonez, /Avionès et Panfilès' (ed. Paetow, ll. 338-39). Cf. J. Engels, 'Les noms de quelques manuels scolaires médiévaux', *Neophilologus* 54 (1970) 105-12 (*Panfilès* = \times *Donet* < Donatus).

contains *Elis saga* and the *Strengleikar*, in a prose translation which is unfortunately incomplete, but which must have been composed along with other courtly adaptations from Old French works for Hákon Hákonarson (1217-63).⁵⁴ In his 'maze of trouble', the *Laborintus*, Eberhard the German draws up a list of books to be studied, taking as his guiding principle 'elige quod placet'. He includes both the *Pamphilus* and also the *Amphitryon* of Vitalis of Blois.⁵⁵ Our attempt to establish this early history of the *Pamphilus* is designed to justify the supposition that the work is earlier than Chrestien's romances and may hence have influenced them.

The *Pamphilus* and several other *comediae* are celebrated for their exploitation of the figure of the go-between.⁵⁶ Chrestien's ironic masterpiece *Li chevaliers au lion* springs to mind as a vernacular work which exploits courtly and Ovidian amatory doctrines and presents an unforgettable *entremetteuse* at work in a series of scenes which have rightly been praised for their dramatic and comic character. The work is usually dated c. 1177 or later.⁵⁷ What links can be established between the *Pamphilus* and *Li chevaliers au lion*?

The *Pamphilus* opens with the eponymous protagonist's monologue concerning his desperate plight, a prey to Love's wounds:

Quam prius ipse uiam meliorem carpere possum?
Heu michi, quid faciam? Non bene certus eo. (7-8)

Yvain, too, 'qui ne set, comant se demaint' (1339), is in a quandary, wounded in the heart ('Amors ... si doucemant le requiert, / Que par les iauz el cuer le fiert', 1366 ff.) like Pamphilus ('Vulneror et clausum porto sub pectore telum', l. 1). Both are so afflicted that they cannot be cured by doctors of their wound ('plaga', *Pamph.* 4; 'plaie', *Yv.* 1375):

Vnde futura meis maiora pericula dampnis
Spero, salutis opem nec medicina dabit. (5-6)

Et la plaie d'Amors anpire,
Quant ele est plus pres de son mire.
Cele plaie a mes sire Yvains,
Dont il ne sera ja mes sains. (1373-6)

54 See L. Holm-Olsen, *Den gammelnorske Oversettelsen av Pamphilus* (Avhandlingar utgitt av Det Norske Videnskaps-Akademi i Oslo, II. Hist-Filos. Klasse, 1940, no. 2; Oslo, 1940).

55 Faral, *Les arts poétiques*, p. 358, ll. 613-16.

56 Cf. María Rosa Lida de Malkiel, *La originalidad artística de la Celestina* (Buenos Aires, 1962), pp. 542-47 on *Alda*, *Lidia*, *De nuntio sagaci*, *Baucis et Traso* and *Pamphilus*.

57 C. A. Luttrell, *The Creation of the First Arthurian Romance. A Quest* (London, 1974), pp. 26 ff. Quotations from *Yvain* are taken from Foerster's 1912 text in the edition by T. B. W. Reid (Manchester, 1942 and reprint).

Pamphilus knows that hope can play one false:

Spes refecit dominum fallit et ipsa suum (16)⁵⁸

Spes mea me lesit, per spem Venus ossibus hesit (455)

and this is echoed by the *anus*:

Multociens hominum frustratur spesque laborque. (441)

In similar vein the narrator comments on Yvain's departure from his wife:

Et li cors vit an esperance
De retorner au cuer arriere,
S'a fet cuer d'estrangle meniere
D'esperance, qui mout sovant
Traïst et fausse de covant. (2656-60)

Pamphilus declares that Galathea 'causa mee mortis ... est et causa salutis' (461), just as Yvain informs Laudine that he loves her 'An tel, s'il vos plect, a delivre, /Que por vos vuel morir ou vivre' (2031-32). Venus' advice is to use art to obtain whatever is desired, for woman can be won over in spite of her apparent *asperitas*: 'Sed quod habere cupit, hoc magis ipsa negat' (112). Yvain, too, puts his faith in the changeability of woman and the narrator remarks of Laudine:

Mes une folor a an soi,
Que les autres fames i ont,
Et a bien pres totes le font,
Que de lor folies s'escusent
Et ce, qu'eles vuelent, refusent. (1640-44)

Yvain consoles himself with the thought 'Que fame a plus de mil corages' (1436), whilst the *anus* encourages Pamphilus to meet Galathea with the reflexion 'Mens animusque manet inconstans semper amantis' (547). At the thought of speaking to his beloved, however, Pamphilus is overcome by fear and rendered speechless: 'Mentis in affectu sibi dicere plura paravi, /Sed timor excussit, dicere que uolui' (159-60). Similarly, when Yvain visits Laudine we are informed,

Grant peor, ce vos acreant,
Ot mes sire Yvains a l'antree
De la chanbre, ou il a trovee
La dame, qui ne li dist mot. (1950-53)

[il] s'estut loing cele part la. (1957)

58 Cf. Walther, *Proverbia*, nos. 30206 and 30186b. Tags of this sort are extremely common. The *Pamphilus* itself is no doubt indebted to the *Ars amatoria* 1. 445-46 and *Heroides* 17. 234.

And he is described by Lunete as one '... qui n'a ne langue ne boche / Ne san, dont acointier se sache' (1962-63). He is, in short, 'de peor esbaiz' (1955) and thus resembles Pamphilus who laments 'Attonito nullus congruus est habitus' (158). Love is both the cause and the remedy of suffering: 'Est Galathea meus dolor et medicina doloris, / Hec dare sola potest uulnus opemque michi' (583-84). When Yvain falls in love with Laudine, the narrator reflects '... la plaie d'Amors anpire, / Quant ele est plus pres de son mire' (1373-74).

Of course, many of these details are Ovidian commonplaces, but the important thing is to note that they have come together in a dramatic, literary work before Chrestien wrote his romances. The impetus to the creation of the wooing of Laudine is already there. Pamphilus is inhibited by the thoughts of woman's pride: 'Concipit ingentes animos fiducia forme / Inque modum dominam non sinit esse suam' (57-58; cf. Walther 3035 and *Yv.* 1795 ff.), as Yvain cowers before the haughty Laudine. Yvain clearly acts out the advice given to Pamphilus:

Officiumque tuum primum si forte recusat,
Te seruire tamen esto paratus ei!
Hiis poteris superare minas causantis amice,
Fiet amica tibi, que prius hostis erat. (95-98)

At first Yvain indulges in quasi-syllogistic reasoning on the terms *ami/anemie* (1449-61) but later replaces this by the smooth talk of the *fin amant* who has mastered the art of eloquence (2015 ff.), just as Pamphilus is advised 'Excitat et nutrit facundia dulcis amorem / Et mulcens animos mitigat ipsa feros' (107-108). It is true that glib talk has its dangers. Laudine replies warily to Lunete 'Il m'est avis, que tu m'agueites, / Si me viaus a parole prandre' (1700-1701), whilst Galathea, verbally besieged by Pamphilus, retorts 'Infatuare tuo sermone uel arte putasti, / Quam falli uestro non decet ingenio' (189-90). Laudine's shame leads her to conceal her real feelings for Yvain. In the words of the *comedia*, 'Non sinit interdum pudor illi promere uotum, / Sed quod habere cupit, hoc magis ipsa negat' (111-12). Yvain's success lies in applying pressure whilst Laudine is in a state of anxious uncertainty (*Yv.* 1734 ff.). The winning of Laudine follows the formula sketched by Venus:

Dum dubias dubio mentes in pectore uersat,
An faciat uel non, nescia, uelle tuum,
Tunc illam multo temptamine sepe fatiga,
Vt cicius possis uictor amore frui!
Pellitur huc animus hominum uel pellitur illuc
Sepe labore breui, dum manet in dubio.
Et placeat uobis interpret semper utrisque,
Qui caute referat hoc, quod uterque cupit. (129-36)

The go-between is also, of course, confidante:

La dameisele estoit si bien
De sa dame, que nule rien
A dire ne li redotast,
A quoi que la chose montast;
Qu'ele estoit sa mestre et sa garde (1589-93)

(anus) Nam nimis illa meo subiacet imperio;
Insuper ipsa sui sum dux et conscia facti,
Et facit illa meis omnia consiliis. (308-10)

She must, of course, have the cooperation of the suitor:

Li sages son fol pansé cuevre,
Et met, s'il puet, le bien a oevre. (1325-26)

Stulticie sapiens iure resistit homo. (346)

But eventually the 'wise man' achieves his desired union (or reunion) not by eloquence, but by force: Pamphilus breaks into the house where the *anus* and Galathea are together,⁵⁹ and Yvain raises the storm at the (now undefended) fountain.

There is some evidence that the author of the *Pamphilus* knew another *comedia*, the *De nuntio sagaci*.⁶⁰ This work is essentially a monologue in which various agents of the action narrated are vividly portrayed through their own words. It achieved considerable popularity, being customarily known by the title of *Ovidius puellarum*. In Hugo of Trimberg's list of authors we read,

Sequitur Ovidius	dictus Puellarum	
Quem in scholis omnibus	non credo fore rarum.	(615-16)

Dain's edition of the text is adequate, but it is remarkable that he was evidently unaware of the oldest surviving manuscript, which had long been known to editors of Ovid, since it contained seven of his most notable works. This is Holkhamicus 322, now London, British Library Add. MS. 49368, and dates from the thirteenth century (Dain's oldest MS. is Vat. lat. 1602, dating from the four-

⁵⁹ I am not convinced by K. Kloocke, 'Einige vergessene Verse des *Pamphilus*', *Romanische Forschungen* 85 (1973) 527-31, that the stichomythic dialogue of twelve distichs transmitted in several MSS. after 1.680 is authentic and to be included in the critical text. They are not included by Becker.

⁶⁰ Ed. A. Dain in Cohen, *La 'comédie' latine* 2.105-65. See R. Jahnke, *Comoediae Horatianae tres* (Leipzig, 1891), pp. 25-29, for its relation to the *Pamphilus*.

teenth century).⁶¹ It was apparently written in Italy⁶² and therefore Dain's statement remains true, that none of the surviving MSS. of the *De nuntio sagaci* is French and that the work may have originated outside France. Coincidentally, E. H. Alton's critical edition of the text contained in Holkhamicus 322 appeared in the same year as Cohen published his collection of the *comediae*.⁶³ Alton's text differs from that of Dain at innumerable points and also contains ten extra lines.⁶⁴ As is well known, none of the surviving manuscripts supplies a complete text, though the dramatic monologue of *De nuntio sagaci* itself seems to have been brought to a conclusion. Alton ingeniously suggested that the *Ovidius puellarum* contained several pieces, of which *De nuntio sagaci* was merely one. The prologue (1-36) applied to the whole collection, line 36 referring to a later piece.⁶⁵ This is the most satisfactory account of the state of the text announced to date.⁶⁶

Whereas Jahnke dated the work to c. 1100, and is followed by Alton and, apparently, Langosch,⁶⁷ Dain has argued for a date in the period 1150-80.⁶⁸ The stumbling block has always been the problem of dating the celebrated Tegersee MS. Clm 19411. In this manuscript there is a letter in which the second line of the *De nuntio sagaci* is quoted in abbreviated form: 'Suo sua sibi se. dicit quidam sub nomine Ouidii de amore sperabam efff.'⁶⁹ Thanks to the researches of Plechl

61 See S. De Ricci, *A Handlist of Manuscripts in the Library of the Earl of Leicester at Holkham Hall, Abstracted from the Catalogues of William Roscoe and Frederic Madden* (Supplement to the Transactions of the Bibliographical Society 7; Oxford, 1932), pp. 26-27.

62 S. G. Owen, ed., *P. Ovidi Nasonis Tristium libri V* (Oxford, 1889), p. xx: 'saec. xiii in Italia nitidissime scriptus.'

63 E. H. Alton, 'De nuntio sagaci', *Hermathena* 46 (1931) 61-79.

64 Extra lines in Alton's text appear as follows (line references indicate Dain's text): between ll. 30/31; 70/71; 115/116; 147/148; 174/175; 231/232; 236/237; 290/291 (in Alton 1.299 there is a completely new line replacing Dain, 1.291); 349/350 (two new lines).

65 Alton, *De nuntio sagaci*, pp. 64 ff.

66 Many readings of Holkhamicus are preferable to those adopted by Dain in the view of A. Pastorino, 'Note critiche al testo del *De nuncio sagaci*', *Dioniso* 35 (1961) 106-17.

67 Jahnke, *Comoediae*, pp. 30 f.; Langosch, *Das 'Registrum multorum auctorum'*, p. 242, n. to 11.615 ff.; Paul Lehmann, 'Der schlaue Liebesbote', *Zeitschrift für romanische Philologie* 46 (1926) 700, writes: 'Ich kenne den wahren Namen des Dichters, der sich hier in Ovids Rolle gefällt, nicht und kann ihn nur vermutungsweise dem französischen Kulturgebiete des ausgehenden 11. oder beginnenden 12. Jahrhunderts zuweisen, ohne Deutschland ganz aus dem Bereich der Möglichkeit zu lassen.' Cf. also Fr. Lenz, *Jahresbericht über die Fortschritte der klassischen Altertumswissenschaft* 264 (1939) 152, who refers to 'das um 1100 vielleicht in Frankreich entstandene, aber Ovid zugeschriebene Gedicht *De nuntio sagaci* oder *Ovidius puellarum*'.

68 *De nuntio* (see above, n. 60), pp. 106 ff. J. de Ghellinck, *L'essor de la littérature latine au XII^e siècle* 2 (Paris, 1946), p. 255, also dates *De nuntio sagaci* to 1150-80 and places it in France.

69 i.e. 'sperabam curis finem fecisse futuris'. P. Lehmann, *Pseudo-Antike Literatur des Mittelalters* (Leipzig-Berlin, 1927), p. 12 and n. 62, mistakenly refers to the MS. as Mon. Lat. 19011 and dates it rather too early.

we can now be surer of the date of this letter. Clm 19411 was put together at Tegernsee between the years 1160 and 1186, the greater part of the MS. dating from after 1178. The three love letters familiar to *Germanisten* and published in successive editions of *Des Minnesangs Frühling* certainly originated in Tegernsee and are among the youngest components of the MS., two of them being placed in the years 1178/79, the one that concerns us here being not earlier than 1180.⁷⁰ This is not, of course, the date of the original of the letter, but we can scarcely speculate on that. The employment of a heavily abbreviated form of the quotation from *De nuntio sagaci* suggests familiarity with the work, but in the first instance on the part of no more than the addressee. The Tegernsee letter, therefore, merely confirms that the *De nuntio sagaci*, like the *Pamphilus*, was becoming popular in the third quarter of the century. Of much greater importance is the fact that the work seems to antedate the *Pamphilus* for which we have suggested a *terminus ante quem* of 1159. Like the *Pamphilus*, *De nuntio sagaci* contains a number of *sententiae* which are found elsewhere, but none is of use for the dating.⁷¹ It seems justifiable to suggest a date in the period 1140-55 on the basis of our present knowledge.

In the introduction to his edition Dain compares the work with contemporary vernacular literature: 'On dirait que notre pièce annonce ou rappelle des poèmes français plus souvent qu'elle ne fait songer à la littérature latine contemporaine' (p. 108). Although he then refers to it as 'présentant dans le détail plusieurs traits qu'on retrouve dans Chrétien de Troyes', he gives no specific indications of these. Again the chronology of amatory literature in Latin and the vernacular is in question. At the beginning of the *De nuntio sagaci* there is a *descriptio puellae* on exactly the same lines as found in the romances.⁷² The *artes poetriae* of the turn of the century are, of course, merely a codification of practices already imitated from the *auctores*. One such *auctor*, rather neglected by the critics, is Maximian, whose elegies are some of the most original productions of the sixth century and whose entry into the school curriculum is marked by his appearance in Aimeric's *De arte lectoria* and, as the subject of an *accessus*, in the Tegernsee collections.⁷³ Not only does Maximian contribute a prototype in his first elegy for the *descriptio puellae* in *De nuntio sagaci*, but also the spirit of his elegies

70 See H. Plechl, 'Die Tegernseer Handschrift Clm 19411', *Deutsches Archiv für Erforschung des Mittelalters* 18 (1962) [418-501] 448-52.

71 Cf. Walther, *Proverbia*, nos. 7417, 14583, 14585, 15282, 15861, 26470, 26865.

72 *De nuntio*, ll. 36 ff. and see A. M. Colby, *The Portrait in Twelfth-Century French Literature* (Geneva, 1965).

73 See H. F. Reijnders, 'Aimericus, *Ars lectoria* (3)', *Vivarium* 10 (1972) 170 and *Accessus ad auctores*, ed. Huygens, p. 25. On the transmission of Maximian see W. Schetter, *Studien zur Überlieferung und Kritik des Elegikers Maximian* (Wiesbaden, 1970). See also the entry in Hugo of Trimberg's *Registrum multorum auctorum*, l. 613: 'Maximianum sequitur / Pamphilus lascivus'

frequently suggests that of the 'elegiac comedies'.⁷⁴ Here is yet another case of a school author whose importance for the understanding of emerging courtly literature must be carefully considered.

The comparison of the *puella* in *De nuntio sagaci* with a star (36) is a commonplace of the courtly lyric⁷⁵ and most of the features of the following description occur in vernacular poetry:

Corpus ei gracile, sua candidior caro lacte;
 Purpureus uultus, mirabilis undique cultus,
 Nigra supercilia fuerant sibi, lumina clara;
 Oscula que cuperes os eius habere putares,
 Et cum ridebat, tunc dentes lactis habebat.
 Cesaries flaua uolitat per eburnea colla;
 Auro uestita fuit, auro pulchrior ipsa;
 Pulchra manus superat quod gemma decoris habebat.
 Quid referam multa? ...

(38-46)

So in Old French courtly literature we meet the epithet *gent* (*gracilis*; Colby, pp. 25 ff.: '*gent* modifies only the noun *cors*'), white skin, the rosy face (Colby, p. 46), the dark eyebrows (Colby, p. 38), the fitness of the mouth for kisses (Colby, p. 53), the whiteness of the teeth (Colby, p. 53),⁷⁶ the golden hair (Colby, pp. 30 ff.), the ivory-white neck (Colby, pp. 55 f.), beautiful hands (Colby, pp. 57 f.). The portrait in *De nuntio sagaci* testifies to the descriptive technique which courtly writers learned in the schools, in Latin. The first three details of this portrait, together with golden hair, are found in Chrestien's portrait of Enide (*Erec*, ed. Foerster, 411-41), which also contains the line 'Que diroie de sa biauté?' (437; cf. *De nunt.* 46: 'quid referam multa?') and the information that 'Li oel si grant clarté randoient / Que deus estoiles ressanbloient' (433-34; cf. *De nunt.* 36: 'splendidior stella fuerat michi uisa puella'). As the *iuenis* begins his complaint with an allusion to Venus' arms ('Dic, Amor, unde uenis pharetris sic undique plenis?', *De nunt.* 4), so Alexandre introduces his complaint and his description of Soredamors with an examination of the *dart* of love (*Cliges*, ed. Foerster, 770 ff.), a metaphorical tour-de-force which comprises a description of both *le dart*

74 Cf. J. Szövérfy, 'Maximianus a Satirist?', *Harvard Studies in Classical Philology* 72 (1968) 351-67. The *Pamphilus* and Maximian are transmitted together in Berlin, Staatsbibliothek. Preussischer Kulturbesitz MS. Lat. 4° 781 (s. xv); Kremsmünster, Stiftsbibliothek MS. 11 (s. xv); and excerpts in Cambridge, Gonville and Caius College MS. 238 (124) (s. xiii), Heidelberg, Universitätsbibliothek MS. Salem 9.62 (s. xiii), Laon, Bibliothèque Municipale MS. 193 (s. xiii), Leiden, Bibl. der Rijksuniversiteit MS. Vulc. 48 (s. xiv), Paris, Bibliothèque Nationale MS. lat. 1860 (s. xiii), Vatican City MS. Reg. lat. 1562 (s. xiii).

75 Cf. P. Dronke, *Medieval Latin and the Rise of European Love Lyric*, 2nd edition, 2 (Oxford, 1968), pp. 489 ff.

76 It is worth noting that milk does not seem to form part of the Old French repertoire of similes with the epithet white.

and the *coivre*. Here, too, we have the details of the golden hair, rosy face, white teeth and white neck. The same is true of the portrait of Laudine (*Yvain*, ed. Foerster, 1462-1506) which adds her *beles mains* (1486; *De nunt.* 45). The young man of *De nuntio sagaci*, like Yvain, is uncertain what to do and unwilling to declare himself:

Set non audebam sibi dicere quod cupiebam;
 Nam pudor hoc uetuit quod amor me dicere iussit.
 Tandem quid feci? ... (51-53)

Mes de son vouloir se despoire;
 Car il ne puet cuidier ne croire,
 Que ses voloirs puisse avenir. (1425-27)

Recourse is had to the thoroughly Ovidian expedient of a go-between (cf. *Ars am.* 1. 351-54) who will introduce the lady to the suitor whom she already knows to be famous, handsome and high-born (*De nunt.* 63-64, 90-91; *Yv.* 1811 ff., 1816 ff.). The messenger's technique in the *comedia* is very similar to that of Lunete. He eggs on his mistress by playing on her curiosity. The lady does not know whether to believe that her suitor is the most noble and beautiful youth in the world, but the messenger assures her that it is true, adding 'Et si scire cupis, restat quod carius audis' (66). This secures the lady's attention. In a similar way Lunete suggests to Laudine that she may meet a man even worthier than her late husband (*Yv.* 1610 ff.) with similar results (1654 ff., 1678 ff.). The psychological processes described in *De nuntio sagaci* 64-72 contain the seeds of the entire set of interview scenes in *Li chevaliers au lion*. Even the messenger's description of the girl's beauty (*De nunt.* 85: 'Vt res ostendit, tibi nil natura negauit') is echoed by Chrestien's description of Laudine: 'Onques mes si desmesurer / An biauté ne se pot Nature' (1492-93). In both works the lady insists on knowing what the go-between is driving at (*De nunt.* 67 ff.; *Yv.* 1678 ff.), but when enlightened, becomes angry and indignant:

Absit quod dicis! O laxa licencia verbis!
 Es sane mentis quod me non affore sentis?
 Vere nil sentis; da talia frivola ventis;
 Vt tam magna petas nondum mea postulat etas;
 ...
 Tolle, precor, tolle; bene scis me talia nolle. (96-101)

'Ore oi', fet ele, 'desreison
 La plus grant, qui onques fust dite.
 Fui! plainne de mal esperite,
 Fui! garce fole et enuieuse!

Ne dire ja mes tel oiseuse,
 Ne ja mes devant moi ne vaingnes,
 Por quoi de lui parole taingnes!' (1710-16)

The messenger now assures the lady 'nullum tibi dedecus opto' (102) and Laudine realizes that 'Ne sa honte ne son enui / Ne li loeroit ele mie' (1746-47). The lady now replies, 'At, nimis astute, michi reddis et omnia (Alton: *singula*) caute' (112) and 'Sencio quid queris: me fallere uelle uideris!' (130). Similarly, Laudine retorts, 'Il m'est avis, que tu m'agueites, / Si me viaus a parole prandre' (1700 f.).

The theme of enemy and friend occurs in both works. The messenger suggests to the girl, who has decided to take no further part in the deliberations and to leave, that she may very well decide to return:

'Quod si sic ibis, fortassis sponte redibis.'
 'Vt redeam sponte quis cogit? cogor ab hoste?'
 'Hostis non cogit set amicus stare rogabit.' (133-35)

Laudine, of course, has to argue herself out of hatred for her 'enemy' and persuades herself that her suitor is indeed a friend (Yv. 1757 ff.). There follows the scene in which the messenger is concealed whilst the young man is with the girl. The angry cries which the latter, in the *De nuntio sagaci*, directs to the 'invisible' messenger resemble, despite the differing circumstances, those of the distraught Laudine calling on the murderer of her husband to show himself:

Audis clamare? debes hic tu prope stare;
 Quo tu uenisti? numquid *fantasma* fuisti?
 Pacta fides fuerat, sed eam quis nunc michi seruat?
 O maledicta fides, aliis te taliter offers?
 Nulla fides certe, cunctis hoc testor aperte;
 Nam modo si qua foret, eciam malus ille teneret.
 ...
 Me male decepit; si uixero, non bene fecit.
 Quo fugit ille canis mendax, leculator inanis?
 Si presens esset, a me cito mortuus esset. (187-96)

Bien puis dire, quant je nel voi,
 Que antre nos s'est ceanz mis
 Ou *fantosmes* ou anemis,
 S'an sui anfantosmee tote.
 Ou il est coarz, si me dote:
 Coarz est il, quant il me crient.
 De grant coardise li vient,
 Quant devant moi mostrer ne s'ose.
 Ha! *fantosmes*, coarde chose!

Por qu'ies vers moi acoardie,
 Quant vers mon seignor fus hardie?
 Chose vaine, chose faillie,
 Que ne t'ai ore an ma baillie!
 Que ne te puis ore tenir!

(1218-31)

The later reversals achieved by the wily messenger are without precise parallels in *Li chevaliers au lion*, but there is no doubt of Lunete's considerable astuteness which does not eschew deception.

In short, there is little in the dramatic technique of the wooing of Laudine to distinguish it from the technique of the *comediae*. Chrestien's *entremetteuse* may be seen as an amalgam of the *nuntius sagax* and the *anus* (of the *Pamphilus*). Both *comediae* were becoming popular before Chrestien composed *Li chevaliers au lion* and they formed the literary bridge between the study of the *auctores*, especially Ovid, and the creation of 'romances' for oral recitation. They may well have been included in Chrestien's youthful Ovidian reading and, like many medieval writers, he may have regarded them as genuine works of the Sulmonensian. The Strasbourg codex, Bibliothèque Nationale et Universitaire 85, has *Ovidius de amore panphili feliciter incipit* and Munich MS. Clm 6717 *Amatorum paruum siue precepta amandi extracta e pamphilo ad galatheam*. Chrestien's *comandemanz Ovide* (*Cliges* 1-2), i.e. *praecepta Ovidii*, could refer to almost any Ovidian or pseudo-Ovidian work on an amatory theme.⁷⁷ The *De nuntio sagaci* was, of course, widely known as *Ovidius puellarum* and the three incunabula known to Dain have *Ouidij Nasonis Sulmonensis poete de nuncio sagaci liber incipit*.⁷⁸

These two texts, however, are not the only ones which need to be considered amongst Chrestien's literary progenitors. Hugo of Trimberg's list of authors includes the following entry:

Sequitur Ovidium	Getha movens risum	
Quem licet falsidicum	non reor invisum.	(617-18)

This refers to the *Geta*,⁷⁹ variously attributed to Ovid, Plautus, Matthew of

77 Admittedly the *accessus* to a thirteenth-century translation of the *Ars amatoria* describes it as purveying 'commandemens d'amours': see Roy, *L'Art d'amours*, p. 4.

78 They are Hain 12255, 12256 and 12258. In addition see Copinger, 2. 1, nos. 4568 (*De nuncio sagaci*, Antverpiae, per M. van der Gres, c. 1484), 4546 (J. C. T. Oates, *A Catalogue of the Fifteenth-Century Printed Books in the University Library, Cambridge* [Cambridge, 1954], no. 3316). Cf. F. W. Lenz, 'Einführende Bemerkungen zu den mittelalterlichen Pseudo-Ovidiana' in *Ovid*, ed. M. v. Albrecht and E. Zinn (Wege der Forschung 92; Darmstadt, 1968), pp. 563-64.

79 Ed. E. Guilhou in Cohen, *La 'comédie' latine* 1. 1-57. Further text-critical material will be found in R. Avesani, 'Angelo Mai scopritore ed editore del *Geta*', *Italia medioevale e umanistica* 2 (1959) 521-40 and 'Ancora sull'edizione del *Geta* curata dal Mai', *ibid.* 3 (1960) 391-98. There is a new text (from Berne, Bürgerbibliothek MS. 702) in Bate, *Three Latin Comedies*, pp. 13-34.

Vendôme and Vitalis of Blois and variously dated from the end of the tenth century to the end of the twelfth. The piece is now regarded as the work of Vitalis of Blois. The work of its most recent editor, Guilhou, needs considerable revision. This is particularly clear in the case of the problem of dating. Guilhou supports his dating to 1150-60 with the following statement (p. 6):

... Gerhoh (Gerhohus Reicherspergensis), dans ses *Vies des abbés Béranger et Wirnton*, dit à la fin du prologue 'Qui velit, legat, qui nolit, respuat, quia sicut poeta dicit, carmina nulla placent', ce qui est à peu près sûrement une citation empruntée au vers 12 du *Geta*; et plus loin (chap. 2): 'Procedebat autem ipse sicut crebro solebat; minister eius, onustus copiis nummorum, ut alterum Getam putares, anhelus sequitur', ce qui est sans doute une allusion aux vers 151 et 152 ou (avec une erreur de nom) 423 et 424 de notre poème. Or Gerhoh est mort en 1169.⁸⁰

This rests on an inaccurate reading of his sources. On p. 5 Guilhou refers us, in connexion with the above, to W. Cloetta, *Beiträge zur Literaturgeschichte des Mittelalters und der Renaissance* 1 (Halle, 1890), p. 72 n. 2, but at the end of the book in 'Zusätze und Berichtigungen' (p. 153) Cloetta himself corrects his note, pointing out that 'die betreffende Biographie Gerhoh nicht angehört und erst nach 1181 geschrieben sein kann (s. Wattenbach, *Deutschlands Geschichtsquellen im Mittelalter* II⁵, 279)'.⁸¹ In fact, the sixth edition of Wattenbach, which appeared after Cloetta's book, in 1894, but which Guilhou could have consulted, further corrects this by asserting that the *Vita* 'erst um das Jahr 1200 von einem Formbacher geschrieben ist' (vol. 2, pp. 309-10). Thus, the quotations noted by Guilhou cannot be used to provide a *terminus ante quem* for the *Geta* of 1169, since it is quite certain that the *Vita Wirntonis abbatis Formbacensis* is not by Gerhoh of Reichersberg and cannot be dated earlier than c. 1200.⁸²

As in the case of the *De nuntio sagaci* and the *Pamphilus* knowledge of the *Geta* is clearly attested towards the end of the century. Nigel de Longchamps quotes line 143 of the *Geta* in his *Tractatus contra curiales et officiales clericos*,

⁸⁰ Guilhou does not supply references. The quotations will be found in O. Holder-Egger, ed., *Vita Wirntonis abbatis Formbacensis* (MGH Scriptorum 15.2 [Supplementa tomorum 1-12]; Hanover, 1888), p. 1127, ll. 26-27 and p. 1129, ll. 4-5.

⁸¹ Even more surprising in this long chain of error based on second-hand or third-hand reporting is the negligence of Cohen, the general editor. In the introduction to the collection (p. xvii) he uses the same arguments as Guilhou and gives a supporting reference to Faral, 'Le fabliau latin' (see above, n. 27), 322 n. 3. But on that same page Faral himself has a reference to Cloetta's *Zusätze und Berichtigungen*, though he does not appear to have read the crucial correction. In other words, forty years after the dating of the *Vita Wirntonis* was corrected we find two scholars still invoking the old date.

⁸² See P. Classen, *Gerhoh von Reichersberg. Eine Biographie* (Wiesbaden, 1960), pp. 444, 313.

composed in 1193,⁸³ and line 138 in his *Speculum stultorum* written between November 1179 and March 1180.⁸⁴ The latter is the earliest clearly datable testimony which I have been able to find. A few years later (1184/5) John of Hanville probably alludes to the *comedia* when he writes ('De vilitate serviencium') 'Nudus in annoso tunice squalore ministrat / Geta dapes, dum vile meri libamen in urbe / Birria venatur, precio vestitus eodem / ...',⁸⁵ but this is not entirely safe. The famous debate of wine and water in the *Carmina Burana* has the lines 'Et qui tuus est amator? / homicida, fornicator, / Davus, Geta, Byrria!'⁸⁶ and may go back to the twelfth century. Perhaps about the same time as John of Hanville, Matthew of Vendôme quoted line 168 of the *Geta* in his grammatical poem on homonymy, *Equivoca*,⁸⁷ possibly under the impression that it was the work of Ovid. It is also probably referred to in a school milieu by Geoffrey of Vinsauf in the *Poetria nova* and Eberhard in his *Laborintus*.⁸⁸ Like the *Pamphilus*, it is the subject of an *accessus*, but in the case of *Geta* the transmission is late and the original of indeterminate date.⁸⁹ It is also freely excerpted in *florilegia* such as the *Poeticon*, *Florilegium Gottingense*, one of the earliest collections being Oxford, Bodleian MS. Add. A. 44 which contains the whole of the *Geta* on fols. 83v-91v.⁹⁰ The earliest MS., Berne, Bürgerbibliothek 702, is certainly from the twelfth century. As the *De nuntio sagaci* was used by the author of *Pamphilus*, so it is likely that the *Geta* was known to the composer of *Alda*, which is certainly earlier than 1170. The prologue of *Lidia* (c. 1176) alludes to the events of the *Geta*. We can again conclude, therefore, that this *comedia* was composed before Chrestien wrote his romances.

The interest of the *Geta*, for our purposes, lies not in any strict parallels to

⁸³ *Nigellus de Longchamp dit Wireker*, vol. 1: *Tractatus contra curiales et officiales clericos*, ed. A. Boutemy (Paris, 1959), pp. 38 and 150.

⁸⁴ Nigel de Longchamps, *Speculum stultorum*, ed. Mozley and Raymo, l. 442. It has been suggested that Nigel may be the author of *Babio*; see E. Faral, *De Babione: poème comique du XII^e siècle* (Paris, 1948), pp. lviii-lx.

⁸⁵ *Johannes de Hauvilla, Architrenius*, ed. P. G. Schmidt (Munich, 1974), 3. 81-83.

⁸⁶ *Carmina Burana*, vol. 1.3: *Die Trink- und Spielerlieder — die geistlichen Dramen*, ed. O. Schumann and B. Bischoff (Heidelberg, 1970), no. 193, str. 10, ll. 1-3.

⁸⁷ See F. Müllenbach, *Comoediae elegiacae* (Diss. Bonn, 1885), p. 9.

⁸⁸ Faral, *Les arts poétiques*, p. 358, ll. 615-16.

⁸⁹ The text of the *accessus* is printed from Naples, Biblioteca Nazionale MS. IV F 12 (s. xiv) by R. Avesani, *Quattro miscellanee medioevali e umanistiche. Contributo alla tradizione del Geta, degli auctores octo, dei libri minores e di altra letteratura scolastica medioevale* (Note e discussioni erudite 11; Rome, 1967), pp. 15-16.

⁹⁰ Cf. A. Wilmart, 'Le florilège mixte de Thomas Bekynton', *Mediaeval and Renaissance Studies* 1 (1941-43) 41-84. A revised list of sixty-four *Geta* MSS. (as against Guilhou's forty-five) is given by Avesani, *ibid.*, appendix 1, pp. 83-88. Useful material for a new edition is also provided by D. Bianchi, 'Manoscritti del "Geta" conservati in Italia', *Accademie e biblioteche d'Italia* 31 (1963) 433-50.

Chrestien in subject matter, but in certain similarities of spirit which enable us to see *Cliges* and *Geta* as essentially products of the same milieu, with comparable preoccupations. The two works are characterized by three common features: the learning of antiquity and the modern age; the theme of disguise and deception; the ascendancy of dialectic.

The prologue of *Cliges* presents the *translatio studii* topos, informing us 'Que Grece ot de chevalerie / Le premier los et de clergie' (31-32), and the hero's father is in fact emperor 'qui tint Grece et Costantinoble' (49). Yet the author writes at a time when true learning has migrated to his own country, France, so that although one may read of 'les feiz des anciens', Chrestien adds 'D'aus est la parole remese / Et estainte la vive brese' (43-44). The function of this prologue must be understood in the context of the twelfth-century debate concerning the *antiqui* and *moderni*.⁹¹ Similarly, the *Geta* evokes the schools of ancient Greece ('Grecorum studia nimiumque diuque secutus / Amphitriton aberat et sibi Geta comes', 1-2), but in the prologue the poet clearly alludes to the debate in the words 'Si quem scripta iuvant, istis tamen inuidet ille, / Et laudans ueteres nescit amare novos' (17-18).⁹²

The theme of deception and disguise in the two works requires little comment. Through it is further exploited the notion of appearance and reality. Alis is only nominally emperor ('Alis n'i a mes que le non, / Quë anpereres est clamez', 2588-89), whilst Alixandre is the 'real' emperor ('Cil est serviz et amez', 2590). In the *Geta* great play is made with the notion of the identity conferred by names and their relation to reality. Geta, infuriated by Archas' impersonation of him, declares, 'Fallere me queris nomine nempe meo: / Solus ego Geta' (330-31), but finally gives up the struggle for identity: "'Sis ego," respondit, "ego sim nichil" atque recedit' (393). Geta blames the logicians for annihilating him with their impregnable dialectic (395). At the end, of course, the duped couple, Amphitriton

91 See, for the most recent work on this, E. Gössmann, "'Antiqui" und "moderni" im 12. Jahrhundert' in *Miscellanea mediaevalia*, vol. 9: *Antiqui und moderni* (Berlin-New York, 1974), pp. 21-39 and idem, *Antiqui und moderni im Mittelalter: eine geschichtliche Standortbestimmung* (Veröffentlichungen des Grabmann-Institutes 23; Munich, 1974). Quotations in the text are from W. Foerster, ed., *Cligés*, 4th abridged edition by A. Hilka (Halle, 1921).

92 The complexity of this debate can be gauged by the fact that John of Salisbury, who was critical of the vogue for dialectic, describes the logicians' disdain for the *scripta veterum*: 'Temporibus placere suis patrum bene dicta / Temporibus nostris jam nova sola placent'; see his *Entheticus*, ed. R. E. Pepin, *Traditio* 31 (1975) 127-93, especially II. 37 ff. The author of the *Geta* was, perhaps, a supporter of the 'new logic' who in the prologue alludes to the general concentration on the *auctores* (grammar and rhetoric), and illustrates satirically in his work the inaccessibility of the 'new logic' to mediocre minds and the ludicrous results which derive from imperfect understanding of it. As a member of the 'literary' school of Orléans he may, however, have been opposed to the rising importance of dialectic.

and Geta, are left with the notion of delusion. Alcmena denies that they have been preceded in their entry into her house. She entertained no others:

Vos equidem uidi, uel uos uidisse uidebar;
Luserunt animos sompnia sepe meos. (523-24)

The excuse used by Alcmena is similar to the ruse played on the 'nominal' emperor Alis with Thessala's potion. 'Ore est l'anperere gabez', says Chrestien, and describes the emperor's delusions:

Mes lors an avra tel deport,
Con l'an puet an sonjant avoir,
Et si tandra le songe a voir.
...
Et dort et songe et veillier cuide,
S'est an grant painne et an estuide
De la pucele losangier. (3344-53)

The repetition of the word *neant*, which occurs eleven times in lines 3359-70, parallels Geta's obsession with the word *nichil* (lines 393, 396, 403, 406, 412, 416, 417, 456, 461, 465, 468). Here again we recognize the essential point that the romance and the *comedia* share many points of style, technique and invention, owing naturally enough to their common origin in the schoolroom, but that the common features are differentiated in function. The much more ambitious context of Chrestien's romances raises *fabliau* material to a more complex existence in which effects are less immediate and clear-cut. This greater ambitiousness of the romance is doubtless linked with the status and culture of its patrons.

Geta and *Cliges* show a further similarity in respect of their use of dialectic. *Cliges* is undeniably the most 'scholastic' of Chrestien's romances; its vocabulary alone testifies to that. Dialectic is humorously associated in *Cliges*, as I hope to have shown elsewhere,⁹³ with inactivity and passivity. The more the characters analyze their situation, the more helpless they become. Soredamors' inner *disputatio* (475-523) reveals her as immersed in contradictions which inhibit further action. Similarly, Alixandre's long complaint (626-873) leads to an almost comic helplessness. Scholastic vocabulary is freely introduced (e.g. 3873 f., 3898 ff.). If *Cliges* gently mocks the contemporary ascendance of dialectic in the schools of northern France by showing how, in the minds of two cautious lovers, it produces only confusion and ineffectuality, *Geta* shows, rather, how in the mind of a rather boorish servant it leads to loss of identity and a childish susceptibility to delusion:

93 'Aristotle, Dialectic and Courtly Literature', to appear in *Viator* 10 (1979).

'Sompnia sunt hercle,' subiecit Birria, 'Geta
 Insanit, factus stultior arte sua.
 Iurgia sint insana procul. Succedo coquine,
 Gaudeat Amphitriton, Getaque fiat homo.' (525-28)

A little knowledge is a dangerous thing! Geta ludicrously boasts:

Sed precium pene miranda sophismata porto,
 Iamque probare scio quod sit asellus homo.
 ...
 Sum logicus: faciam queuis animalia cunctos;
 Birria qui nimis est lentus asellus erit. (163-68)

The delusion of 'Geta magister' (235) leads to increasing absurdities. His first reaction to Archas' impersonation is to resort to an 'explanation' offered by the logicians:

Qui loquitur mecum uoce est et corpore Geta:
 Voce loqui Geta quis nisi Geta potest?
 Sed logici memorant quod uox erit una duorum
 Atque duos nomen significabit idem. (257-60)

In a passage of quasi-syllogistic reasoning Geta now bemoans his lack of identity, indeed his inexistence (395 ff.), and blames the logicians once more:

'Sic sum, sic non sum. Pereat dialectica per quam
 Sic perii penitus; nunc scio: scire nocet.
 Cum didicit Geta logicam, tunc desiit esse,
 Queque boues alios me facit esse nichil.
 Sic in me grauius experta sophismata! mutans
 Tantum alios mihimet abstulit esse meum.
 Ve logicis, si sic est, omnibus ...' (409-15)

The topos of the 'world upside down' (cf. the *adynata* of *Cliges* 3845 ff.) is reflected in Geta's exclamation 'Hercule, cuncta suas deseruere uias' (418). The author's point is clear:

Reddidit insanum de me dialectica stulto (419)
 Insanire facit stultum dialectica quemuis (453)

In *Geta* dialectic makes imbeciles of the stupid, in *Cliges* it paralyzes yet further the already timid. The author of *Geta* is contemptuous of those who, without mastering dialectic, would fain employ it to promote grandiose schemes or ideas. Geta has merely picked up a smattering of dialectic, when not occupied with his mistress.⁹⁴ This sort of weapon is more injurious to the user than to the op-

⁹⁴ See Archas' revelations about Geta, especially ll. 368 and 375 ('Amphitritona scole, sua Getam Thais habebat').

ponent. Geta is 'factus stultior arte sua' (526). If he will abandon his logic chopping ('Iurgia sint insana procul', 527) he can become a man again ('Getaque fiat homo', 528).

Geta is so obviously a dim-witted rogue that it is, perhaps, unlikely that Vitalis intended through him to denounce dialectic itself. On the other hand, the satirical remarks of John of Salisbury suggest that it is not impossible that Vitalis ridiculed the figure of the logician, whose unscrupulousness he may, like John, have exaggerated:

Haec ubi persuasit aliis error puerilis:
 Vt juvenis discat plurima, pauca legat.
 Laudat Aristotelem solum, spernit Ciceronem
 Et quicquid Latiis Graecia capta dedit.
 Conspuat in leges, vilescit physica, quaevis
 Litera sordescit, logica sola placet.
 Non tamen ista placet, ut eam quis scire labore;
 Si quis credatur logicus, hoc satis est.
 Insanire putes potius quam philosophari,
 Seria sunt etenim cuncta molesta nimis.
 Dulcescunt nugae, vultum sapientis abhorrent;
 Tormenti genus est saepe videre librum.

Entheticus 111-22

If Vitalis' preoccupation with logic is inspired by contemporary events and trends, it would doubtless be most reasonable to associate it with the introduction of the so-called *logica nova*, especially texts like the *Sophistici elenchi*.⁹⁵ This would imply a date in the 1140's or later, perhaps most likely in the period c. 1159 when John of Salisbury was commenting on the New Logic in his *Metalogicon*. It is interesting to note that in Orléans, Bibliothèque de la Ville MS. 283 (237) we do in fact have an anonymous commentary on the *Sophistici elenchi* and a treatise on paralogisms which date from the middle of the century and may well have been written in Orléans.⁹⁶

Cliges and *Geta* thus have to some extent a common inspiration. The role of deception in *Cliges*, however, also calls to mind another *comedia*, in which it is preponderant, namely *Lidia*.^{96a} Here, too, there are important correspondences with vernacular works. The *comedia* is usually dated to c. 1176, a short time after Matthew of Vendôme's *Ars versificatoria*, a passage of which the author of *Lidia*

⁹⁵ For a summary of the chronology of this phenomenon see my article 'Aristotle, Dialectic and Courtly Literature'.

⁹⁶ See Sten Ebbesen, *Anonymus Aurelianensis II, Aristotle, Alexander, Porphyry and Boethius. Ancient Scholasticism and 12th Century Western Europe* (Cahiers de l'Institut du moyen-âge grec et latin, Université de Copenhague 16; Copenhagen, 1976).

^{96a} Ed. E. Lackenbacher in Cohen, *La 'comédie' latine* I. 211-46.

seems to echo. Less than half the latter work is made up of dialogues and monologues, and the extended reflexions of the author and his characters make a properly dramatic presentation of the text most unlikely.

What similarities exist between *Lidia* and *Cliges*? The opening of *Lidia* is in the same vein as the cautionary conclusion of *Cliges* (6762 ff.), a warning against the wiles of women:

Cautius ut fugeres docui quid femina posset;
Esse potest una Lidia quoque tibi. (5-6)

The theme of deception is soon broached in the prologue:

Quod uidit Decius credidit esse nichil. (14)

The author counters envious detractors and invokes Apollo:

Se pater Helyadum pennarum ditat honore
Et uult *fenicem* uiuere posse diu. (23-24)

The heroine of the romance, Fenice, is, of course, greatly favoured by Nature, is beautiful as the bird which bears her name (2725 ff.), but in accordance with a technique used in several of his romances, Chrestien deliberately suppresses the quite unavoidable association with the notion of resurrection,⁹⁷ rather as the *Lidia* poet understates it. The prologue of the pseudo-antique *Lidia* ends with the poet's boast that Latin learning and art have, in Virgil, become the equal of the Greek achievement (in Homer). Chrestien, as we have seen (p. 145), provides a full statement of the *translatio studii* topos in the prologue to *Cliges*.

Ingenious deception is in *Lidia* without bounds:

Arte, dolo, studio, furit, allicit, insidiatur;
Femina fit uirus ut necet illa uirum. (35-36)

But she is infatuated with Pirrus, so much so that she cannot pronounce his name:

Inter uerba frequens Pirri pars nominis heret:
Altera sepe subit, altera sepe cadit. (45-46)

A similar detail occurs in the prelude to the story of *Cliges* where *Soredamors* fears that she will be unable to pronounce *Alixandre's* name:

Et por quoi m'est ses nons si forz,
Que je li vuel sorenon metre?

97 See P. Haidu, *Aesthetic Distance in Chrétien de Troyes. Irony and Comedy in 'Cliges' and 'Perceval'* (Geneva, 1968), pp. 54-55 and *Lion-queue-coupée. L'écart symbolique chez Chrétien de Troyes* (Geneva, 1972), p. 49.

Ce m'est avis, trop i a letre,
S'aresteroie tost an mi.

...

Por ce qu'a l'autre faillir dot,
Voldroie avoir de mon sanc mis,
Qu'il eüst non 'mes douz amis'

(1410-18)

Lidia, though married to Decius, is made sleepless by her love for Pirrus and sighs and moans: 'Heu mihi! nec morior, etsi non mortua uiuo; / Viuo, sed ut peream, Pirre, perire facis' (51-52). Fenice is similarly stricken after Cliges's departure for Britain, although she is honoured at home as empress, and laments: 'Ha dolante! por quoi m'a donques / Cliges morte sanz nul forfait?' (4482-83) and 'Morte sui, quant celui ne voi, / Qui de mon cuer m'a desrobee' (4456-57). Lidia, of course, is quite shameless and brazen, whilst Fenice rejects such behaviour as being reminiscent of Tristan and Isolde, the woman having two partners. This objection is used by Chrestien in order to make a more sympathetic figure out of the scheming Fenice, just as the husband is made an usurper to the same effect. Whilst Cliges remains too shy to declare himself to Fenice, she has already deceived the emperor with the potion brewed by Thessala. At first Pirrus is unwilling to enter on a liaison with Lidia, who, as we gather from the narrator, already deceives Decius her husband: 'male ducitur ille; / Quo uult, quo non uult, Lidia ducit eum' (81-82), and now 'Inuenit ars aditum quo gradiatur amor' (56). Lidia's confidante ('una ministrarum fidissima', 57), Lusca, is sent to inform Pirrus of Lidia's love for him. She is at first unsuccessful at implicating him. The sort of amatory ideology which the *Lidia* poet satirizes and warns against is that against which Fenice so vehemently reacts:

Subtus agit leporem, dum salit ipse pudor.
O faciles mores! Uni non sufficit unus;
Isti nec Decius nec puto posse decem.
Omnes sunt tales, en Messalina ueretur?
Nulla timet, nulla denegat, immo petit.
Non habet una modum, nec in omnibus una modesta;
Illud quando mouet est modus absque modo.

...

Femina uile forum de se facit: haud pudet ullam.

(100-19)

Whereas the author of *Lidia* gives free rein to his antifeminism, Chrestien restricts it to a female 'type' much publicized by the literature of his own day. To Fenice's diatribes against Isolde correspond the Latin writer's comments on extra-conjugal love (expressed in the thoughts of Lusca):

Quid nunc coniugium, quid nunc sponsalia iura,
Quid confert socii gratia lege thori?

Nusquam Penelope, nusquam Lucretia dudum;
 Vtraque nunc neutra quelibet esse potest.
 A simili subito omne malum, repetique uidetur
 Illicita Thydis altera lege Thays.
 Parua fides hodie, minor est inde in muliere:
 Omnes si numeres, nulla Sabina manet. (129-35)

These reflexions, however, are cynically subverted by Lusca, who sees her own power as dependent on her mistress' wantonness. Her long explanation of her name from the moon ('Vt reor, a luna nomen et omen habes', 162) and the play on *lux* and Lusca probably inspired Chrestien's etymologizing on the name of another confidante, Lunete (*Yv.* 2409 ff.). Lidia once more confesses her 'blandus dolor' to Lusca (209 ff.), rather as Fenice describes to Thessala her pleasant suffering (3063 ff.). Lidia is torn between love for Pirrus and respect for her husband, symbolized by her alternating blush and pallor:

Qui redit insidians rubor est accessus amoris;
 Obiecti pallor signa pudoris habet.
 ...
 Si cupit affari, cadit et sua lingua resistit,
 Insidiansque demit emula uerba pudor. (189-94)

Similarly, Fenice is caught in a conflict between her love for Cliges and the duty which she owes to her husband (3137 ff.).

Ovid's *militat omnis amans*, which lies at the basis of the coordination of love and chivalry in the romances, is clearly reflected in Lusca's renewed persuasion of Pirrus:

Pirre, mihi miles non est qui magna ueretur;
 Fortior est armis quem suus aptat amor. (239-40)

Pirrus, won over by Lidia, argues:

... Si dux sit sibi nullus homo,
 Augmentum poscat Pirri quod poscit amorem. (260-61)

In *Cliges*, of course, Fenice's plans are set to *ensure* that her unwanted husband does not perform his conjugal duties, so, in her eyes, justifying her carnal liaison with Cliges.

The central portion of *Lidia* is taken up with the motif of the three tasks, which the *comedia* shares with a number of other medieval pieces, whereby Pirrus tests the seriousness and *bona fides* of Lidia herself. Even here there is found a striking parallel to *Cliges*. The *Lidia* author introduces *adynata* when commenting on Lidia's extraordinary powers of deception:

Artibus, ingenio, uitiis, fidens, rata, plena,
 Corda trahit, mentem suscitatur, ora ligat.
 Mira quidem uoluit lex, et natura uagatur:
Ecce lepus canis est et lupo ipse caper;
 Musque bouem simulat et simia calua camelum;
 Deridet lincis lumina talpa uidens.
 Aer, terra, mare mittit miranda; sed unum,
 Femina, quo moueor, singula monstra mouet. (337-44)

In *Cliges* Chrestien precisely inverts the situation, marvelling not at the woman's cunning, but at the man's timidity before her:

Deus! ceste crieme don li vient,
 Qu'une pucele sole crient,
 Foible et coarde, simple et coie?
 A ce me sanble que je voie
Les chiens foir devant le lievre
 Et la tortre chacier le bievre,
L'aignel le lo, le colon l'aigle
 ...
 Si vont les choses a anvers. (3845-58)

Finally, Pirrus is driven to recognize Lidia's unsurpassed talents, more explicitly extolled than Fenice's:

... Lidia, miror;
 Mira potes, fateor, singula mira facis.
 Dum dubitant alie, tu, Lidia, nulla uereris;
 Tu, quod nulla potest, Lidia, sola potes. (461-65)

For extra effect Lidia now decides on love-making before her husband's very eyes! Her first step is to feign illness:

Talibus expletis mentitur Lidia morbum,
 Sponte sua morbi tedia ficta trahens.
 Forte salit uena; palpat, sed phisicus heret.
 Mentitur medico sepe dolentis amor.
 Morbus adest dubius et fallax passio, cum uult;
 Illa calet cum uult, friget, et egra iacet.
 Sic ludens deludit Amor, sic Lidia fallit
 Arte mali medicum, fraude doloque uirum. (485-92)

The episode of the 'fausse morte' in *Cliges* (5432 ff.) is too well known for the parallels to be pursued here. There is, however, a detail which seems to make certain a direct relationship between the two texts. After feigning illness, and as part of her plan to make love to Pirrus in the presence of her husband, Lidia enters a 'hortus ... precinctus aquis' (493) in which stands a shady pear tree, 'una

pirus, uere gaudia ueris habens' (496). When Fenice, feigning death, has finally been disinterred and has spent fourteen months recuperating in the tower, she enters a *verger* and sets up a bed under a pear tree and 'la sont a joie et a delit' (6420, cf. 6450 f.). We know that the tree is a pear tree, a species scarcely conventional in Old French literature, because although it is initially described as 'une ante /de flors chargiee et bien foillue' (6402-403), the arrival of Bertran causes 'une poire' (6466) to fall beside Fenice. Chrestien's *locus amoenus* would therefore seem to be an echo of the final scene of *Lidia*.⁹⁸

The plots of *Lidia* and *Cliges* are quite different, but both are stories of amatory deception. It seems certain that Chrestien included in *Cliges* reminiscences of *Lidia* with which he seems to have been acquainted. These reminiscences include criticism of carnal infidelity, the depiction of woman's powers of deception, Ovidian descriptions of the lovelorn 'heroine', her inability to pronounce her lover's name, complaints about the morals of modern women (represented in *Cliges* by Isolde), the introduction of *adynata* to emphasize the paradoxical power of the 'heroine', the feigned illness, and the *locus amoenus* with the pear tree. This would suggest, perhaps, that *Cliges* is to be dated slightly later than is customarily assumed.⁹⁹ Since it is in this work that Chrestien refers to his translation of Ovidian (or pseudo-Ovidian?) material, it may be rash to assign the *Ovidiana* to juvenilia and we should at least entertain the possibility that Chrestien concerned himself with (pseudo-) Ovidian writings concurrently with the composition of his romances.

It is also certain that some of the *comediae* were written before Chrestien began to compose his romances. Indeed, in the course of the present study we have had cause to date several of them rather earlier than has hitherto been the practice. There is another case where we can, perhaps, bring greater precision to existing suggestions. *Pamphilus, Gliscerium et Birria* is dated by its editor, André Cordier, to the period 1154-89 and deemed to have certain English connexions. It is surely to this work that Serlo of Wilton refers when, in a poem on his mistress, he complains that she responds only to his gifts and not to his entreaties:

Te domo munere, cogoque dicere 'Pamfile' rursum.
Si nego premia, nil nisi 'Birria', nil nisi 'fur' sum.¹⁰⁰

98 Cf. L. Polak, 'Cligés, Fénice et l'arbre d'amour', *Romania* 93 (1972), especially 310-11.

99 See Luttrell, *Creation* (n. 57 above) and my discussion 'Redating Chrestien de Troyes', to appear shortly.

100 *Serlon de Wilton. Poèmes latins*, ed. J. Öberg (Stockholm, 1965), p. 93, no. 14, ll. 3-4. The theme of the venality of women is found in *Alda*, ll. 235 ff. Cf. *Miles gloriosus*, l. 88: 'non faciunt uanas munera sancta preces'.

This must be an allusion to the beginning of the *comedia* where Pamphilus is rebuffed by Gliscerium, who refuses to recognize him and turns instead to his servant with the words 'Mi Birria, salue; / Sum tua; tu meus es; Pamphilus esto sui' (29-30). Pamphilus later offers her gifts with the desired result:

'Murice presignis dabitur tibi uestis et auro
Intexto dabitur exhilarata clamis.'

Firmatur pactum; coheunt in pingnora dextre

Atque fides pacto fecit inesse fidem.

(123-26)

Serlo can scarcely have written his poem after 1171, when he appears as Cistercian abbot of L'Aumône. He studied at Paris and probably at Orléans or Rheims, where he met Hugh Primas. He returned to Paris shortly after 1150 until called by Henry II c. 1167 to take part in the new *studium generale* at Oxford. Cordier points out that the description of Pamphilus as 'Henrici regis cognatus' can only be a reference to Henry II of England. It is possible to suggest, therefore, that the *comedia* may be the product of the 1160's and even that its author may have been known to Serlo. Indeed, in view of the unique incidence of Biblical and liturgical language in this *comedia*, it is not impossible that it is the work of Serlo himself, but we lack really firm evidence on this point. *Pamphilus, Gliscerium et Birria* is transmitted in a single, early thirteenth-century manuscript, Vatican City Reg. lat. 344 (fols. 55v-56v), which contains a good deal of Serlonian verse (fols. 25-26, 37, 41-42v), as well as the *De mercatore* and *Miles gloriosus*.¹⁰¹

* * *

The conclusions to which our study leads us are several. First, we have attempted to show the influence on Chrestien (in *Cliges* and *Li chevaliers au lion*) of the *Pamphilus, De nuntio sagaci, Geta* and *Lidia*, precisely the four *comediae* which are mentioned in Hugo of Trimberg's *Registrum multorum auctorum*. From them Chrestien seems to have drawn inspiration for the more dramatic elements of his romances, especially those concerning the winning of a bride. Second, we have pointed to a number of technical features which the romances and the *comediae* have in common. The most obvious of these reflect the demands of performance. The incidence and tempo of dialogue suggest clearly the need for recitation with some impersonation of the roles and some admixture of mime.

¹⁰¹ See A. Wilmart, *Codices Reginenses latini 2* (Vatican City, 1945), pp. 280-91. Cordier in his edition suggests that the *comedia* may be the work of a nephew of Arnoul de Lisieux. On stylistic elements common to the *comediae* and Serlo cf. J. Mouton in Cohen, *La 'comédie' latine* 2. 67 n. 1 and Serlo's *Versus de differentiis* in Oberg, *ibid.*, p. 79.

It is evident that in practice the mode of presentation may have depended on local circumstances. For example, some distribution of roles may have taken place where competent readers were available in addition to the principal reciter. The audience's understanding would certainly not be complete until after several performances, and this may have encouraged a certain amount of experimentation. Whilst stressing that Cohen's corpus is anything but homogenous, we have inclined to the view that the *comediae* are not dramatic or theatrical in any further sense than the romances are.¹⁰² Moreover, the two types of composition share many rhetorical devices in comparable proportions, often with the function not merely of displaying authorial virtuosity, but of giving humorous point to certain features of characterization. In this category we have placed etymologizing on names (e.g. Soredamors, Fenice, Lunete; and Davus and Birria in *Baucis* 189 f.; Lusca in *Lidia* 161 ff.), frequent use of *sententiae*, rhetorical portraits (e.g. *De nuntio* 36 ff., *Alda* 125 ff., *Milo* 7 ff. including the Nature topos), dialectical formulations (e.g. *Geta* passim, *Alda* 115 ff., 143 ff., *Milo* 101 ff., *Miles gloriosus* 97 ff.), the *corpus-cordis* topos (e.g. *Miles gloriosus* 93 ff.), analysis using *abstracta agentia* (e.g. *De tribus puellis* 175 ff., *De nuntio* 52, *Milo* 127 ff.), oxymora (e.g. *Milo* 75 f., *Alda* 115 ff., *Baucis* 191, 306, *De mercatore* 33 ff.), Biblical imagery (*Pamphilus*, *Gliscerium et Birria* passim, *Alda* 206), narratorial interventions (e.g. *brevitas* formula in *De tribus puellis* 53 f.) and various scholastic features.¹⁰³

Our third conclusion is that the *comediae* represent *œuvres de transition* between the *imitatio auctorum*, or school exercise, and courtly narrative presented to a patron. Of course, many Latin poets of the twelfth century had distinguished patrons, but most of the *comediae* are too slight and insignificant, too deliberately modest and even juvenile, to satisfy a patron of any standing. They

102 Despite the arguments of Brennan, *Babio* (n. 27 above), this view is perhaps now the more widely held. Charles Mills Gayley, *Representative English Comedies*, vol. 1: *From the Beginnings to Shakespeare* (New York, 1903), pp. xvii-xviii, considered that the elegiac comedies had considerable influence on the early English theatre ('Saint's plays', 'farce interlude' and 'the romantic play of domestic intrigue'), whilst denying that they were 'intended for histrionic presentation'. It is significant that they receive no mention in a recent, compendious anthology of the medieval theatre; see D. Bevington, *Medieval Drama* (Boston, 1975). E. Franceschini, *Teatro latino medievale* (Milan, 1960), p. 93, considers *Babio* to be a learned satire 'destinata esclusivamente alla lettura, non alla recitazione'.

103 See, for example, L. J. Friedman, 'Gradus amoris', *Romance Philology* 19 (1965-66) 167-77. To his examples of the five *gradus* should be added *Fecunda ratis* (ed. Voigt), l. 1414-18 and Voigt's references: John of Salisbury, *Policraticus* (ed. Webb), 6. 23 and Webb's references to glosses on Justinian's *Digesta*; Odo of Cheriton (sermons) in Hervieux, *Les fabulistes latins* 4. 350.

are too obviously tied to the schoolroom in matter and manner¹⁰⁴ and exploit a distinctly clerical vein of humour. With the developing confidence and skill of their authors they were doubtless rapidly superseded by works of greater sophistication directed to a larger audience. They retained their popularity within the school milieu, however, and occasionally outside it. *Alda*,¹⁰⁵ for example, was adapted as the basis of *Floris et Lyriopé* in which Robert de Blois combines with it a treatment of the Narcissus legend. We have also seen that the *Pamphilus* was translated into West Norse and, later, in the fourteenth century, into French, by Jean Bras-de-fer de Dammartin-en-Goële.¹⁰⁶ Essentially, however, the *comediae* represent the *coup d'essai* of the cleric with literary pretensions, works designed for a clearly defined *côterie*. The amplification of these somewhat short-winded compositions, with their predictable intrigue, into full-blown romances presented to a lay public involved both gains and losses. It is an essential part of twelfth-century literary history which permits us to reaffirm Father Ghellinck's words, 'Une fois de plus, entre les deux littératures en langue latine et en langue populaire, œuvres de clercs, s'affirment les relations continues et intimes.'¹⁰⁷

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104 They are usually more ambitious than, but may well have grown out of, another popular genre practised by their authors, namely the debate poem; cf. A. Boutemy, 'Pulicis et musce iurgia. Une œuvre retrouvée de Guillaume de Blois', *Latomus* 6 (1947) 133-46.

105 Ed. M. Wintzweiler in Cohen, *La 'comédie' latine* 1. 107 ff. Wintzweiler knew only six MSS., apparently unaware of the text of the *Alda* contained in Oxford, Bodleian Library MS. Lat. misc. d. 15 (s. xiii), fols. 1b-4c.

106 See *Pamphile et Galatée par Jean Bras-de-Fer de Dammartin-en-Goële*, ed. J. Morawski (Paris, 1917).

107 De Ghellinck, *L'essor* 2. 259.

Addendum:

For a recent discussion of the *comediae* as 'Lesestücke' and for problems of definition see J. Suchomski, 'Delectatio' und 'utilitas'. *Ein Beitrag zum Verständnis mittelalterlicher komischer Literatur* (Bibliotheca Germanica 18; Berne-Munich, 1975), pp. 82-157.

RUSSIAN PRINCES AND THEIR IDENTITIES IN THE FIRST HALF OF THE THIRTEENTH CENTURY

Martin Dimnik, C.S.B.

THE chief primary sources of mediaeval Russian history are the chronicles. Unfortunately, the problems facing an investigator using these sources are many and at times insurmountable. There are, for example, the problems of contemporaneity (no chronicle has survived which was written in the first half of the thirteenth century), tendentiousness (i.e., with what bias did the original chronicler record his information? what were the intentions of later compilers when they made deletions and additions?) and dating (although the entries were made either to a March or an Ultra-March year¹ in some instances the chroniclers failed to date their information).

There is also the problem of identification. Often a chronicle gives elaborate details concerning the identity of a prince, that is, his name and patronymic, those of his father and in some instances even the name of his grandfather. Sometimes it mentions the town in which he ruled. However, on other occasions the sources give only the minimal amount of information concerning a prince and refer to him merely by his first name (e.g. Izyaslav), thus creating uncertainty.

There are various reasons why the sources give incomplete references to princes. When recording the exploits of his master a chronicler may, inadvertently, refer to him in the simplest form possible (e.g. Izyaslav) because his identity was well known to the chronicler and to his contemporaries. However, after the text had been recopied by several generations of compilers, the identity of this 'well-known' prince became obscured. In another instance a chronicler might list the names of princes who participated in a campaign or attended a congress. In such a list — perhaps for the sake of brevity, or because the princes were well known, or because they were junior princes and of only minor importance — he would give merely their names without patronymics. In these instances the problem of identification becomes magnified since more than one prince often had the same name.

1 See E. I. Kamentseva, *Khronologiya* (Moscow, 1967), pp. 77-80.

Furthermore, the historian is plagued with the difficulty of discovering incorrect information concerning princes. This problem originates for the most part with later copyists who were instrumental in incorporating older chronicle accounts into new chronicle compilations (*svody*). A compiler, for example, could change or omit a patronymic either accidentally (e.g. through oversight or because the original text was illegible) or intentionally (e.g. through laziness or political bias, or because of a deliberate policy to omit patronymics in order to conserve paper or even time). On the other hand, when rewriting an older chronicle a more zealous copyist would sometimes attempt to identify a prince whose patronymic was not given in the original. In such an instance the compiler would often insert wrong information. The task of the historian in such instances therefore is to sift through, unravel and recognize erroneous information which obfuscates the prince's real identity.

The purpose of this article is to attempt to identify various princes active in the first half of the thirteenth century who are mentioned in the sources but whose identities are either not known or doubtful. A correct analysis of the chronicle information will enhance our understanding of the history of this period. First, it will enable us to obtain a fuller knowledge of the genealogies of the princes of Kievan Rus'. Second, it will help to determine whether the princes in question were of senior or junior rank in their respective families and concomitantly whether they were of major or minor political importance. Such information will also assist in ascertaining which families were involved in the alliances of this period, how active they were and to what extent the various families functioned as cohesive political units.

Three chronicle accounts will be investigated in this article. The first records an internal conflict in the principality of Chernigov in 1226. In that year a certain Oleg of Kursk challenged the authority of his senior prince Mikhail Vsevolodovich of Chernigov. The second describes a congress or *snem* held in Kiev in 1231. This was attended by various princes, many of whom are listed only by their first name. The last account to be discussed records events under 1239 when Prince Yaroslav attacked the town Kamenets.

OLEG OF KURSK

In 1226 Prince Oleg of Kursk was involved in an altercation with his senior prince Mikhail Vsevolodovich of Chernigov. The Laurentian Chronicle describes the conflict in the following manner. In that year Yury Vsevolodovich, grand prince of Vladimir in Rostov-Suzdal', accompanied by his nephews the Konstantinovichs,² Vasil'ko and Vsevolod, came to the aid of Mikhail Vsevolodovich

² The sons of Konstantin Vsevolodovich (died 1218) the older brother of Yury; see Table 3:5. (Four genealogical tables are given on pp. 186-89 below.)

against Oleg of Kursk. He reconciled the two princes because, explains the chronicler, it so happened that by the grace of God Metropolitan Kirill was present in Chernigov at that time, having been sent there by Vladimir Ryurikovich grand prince of Kiev. After peace had been restored, Yury Vsevolodovich returned to Vladimir in Rostov-Suzdal' and took with him Metropolitan Kirill; at the same time he allowed his nephews to return, each to his own 'district' (*volost'*).³

There is much controversy among historians concerning the identity of Oleg of Kursk. The disagreement arises from the fact that neither the Laurentian Chronicle nor any other chronicle gives his patronymic. A study of the sources, however, will show that Oleg was probably the son of Svyatoslav Ol'govich of Ryl'sk.⁴

In the second redaction⁵ of his *Istoriya Rossiyskaya*, V. N. Tatishchev states that Oleg of Kursk was Oleg Igorevich.⁶ It is doubtful whether Oleg was the son of Igor' Svyatoslavich. According to the Hypatian Chronicle, which is the only source that records his birth, Oleg Igorevich was born in 1175.⁷ The chronicle's silence concerning the prince after this initial entry suggests that he died soon af-

3 *Polnoe sobranie russkikh letopisey* (abbr. *PSRL*), 1, 2nd edition (Leningrad, 1926), col. 448.

4 See Table 1:30.

5 Shakhmatov points out that all MSS. of Tatishchev's History can be divided into two redactions differing greatly from one another. The first redaction was completed c. 1739 while the second was compiled after 1748 and was a complete revision of the first. Although Tatishchev added information from new Russian and foreign sources to his second redaction, he also made revisions which make it suspect: he translated the chronicle entries into contemporary language and thus frequently changed the sense of the original; he also incorporated his own explanations into the text. (See A. A. Shakhmatov, 'K voprosu o kriticheskom izdanii Istorii Rossiyskoy V. N. Tatishcheva', *Dela i Dni*, Kniga pervaya (Peterburg, 1920), p. 82). A comparison of the second redaction with the first shows that in the latter version Tatishchev was guilty of inventing information. However, he did not invent information for the first redaction, and any inconsistencies found in it are there because he found them in his sources. Since he had access to sources many of which are no longer extant (e.g. *Raskol'nich'ya letopis'*, *Letopis' Khrushcheva*, *Letopis' Eropkina*, *Letopis' Volynskogo* (or *Simonova*); see A. G. Kuz'min, 'Ob istochnikovedcheskoy osnove "Istorii Rossiyskoy" V. N. Tatishcheva', *Voprosy istorii* 9 (1963) 218), this makes the first version of his History indispensable to the investigator (Shakhmatov, 'K voprosu', pp. 94-95).

6 3 (M.-L., 1964), p. 220. (In this five volume work (M.-L., 1962-68) the first redaction of the History is found in the fourth volume whereas the second redaction is found in the third volume.) See also S. M. Solov'ev, *Istoriya Rossii s drevneyshikh vremen*, book I (Moscow, 1959), p. 627. In the most recent article to be written on the principality of Chernigov, the Soviet historian A. K. Zaytsev also expressed the opinion that this was Oleg Igorevich ('Chernigovskoe knyazhestvo', *Drevnerusskie knyazhestva X-XIII vv.* (Moscow, 1975), p. 114).

7 *PSRL* 2 (Spb., 1908), col. 600 (all the references made to the Hypatian Chronicle are to this edition unless stated otherwise); see Table 1:21. R. V. Zotov says that Oleg Igorevich is mentioned again in 1183 (*O Chernigovskikh knyazyakh po Lyubetskому sinodiku i o Chernigovskom knyazhestve v Tatarskoe vremya* (Spb., 1892), p. 276). Unfortunately he does not give his reference.

ter he was born and certainly before 1206,⁸ for in that year the Igorevichi⁹ assumed control over Galich. The chronicle explains that the boyars of the town invited the senior Igorevich, Vladimir, to be prince; his brother Roman became the prince of Zvenigorod in Galich. Vladimir Igorevich then demanded from the inhabitants of Vladimir in Volyn' that they make his second brother, Svyatoslav, their prince.¹⁰ Since Vladimir demanded a principality for his youngest brother Svyatoslav,¹¹ it may be assumed that if Oleg had been alive still in 1206 Vladimir would have sought also to obtain a principality for him.

The historian R. V. Zotov identifies Oleg of Kursk as the son of Svyatoslav Igorevich. Furthermore, he points out that, although the prince is referred to only as Oleg of Kursk under the years 1223, 1224 and 1226, the same prince is spoken of again under the year 1228 as Oleg Svyatoslavich.¹² N. de Baumgarten disagrees with Zotov and postulates that, although Oleg was Oleg Svyatoslavich, he was the son of a different Svyatoslav — Svyatoslav Ol'govich prince of Ryl'sk.¹³

In order to ascertain which of the two Svyatoslavs (Svyatoslav Igorevich or Svyatoslav Ol'govich) was the father of Oleg of Kursk, it is necessary to turn to the sources for guidance. The Hypatian Chronicle account of the Kalka battle under 1224 gives a significant clue to the identity of Oleg of Kursk. It states that the princes of Russia assembled armies against the Tatars from amongst the Polovtsy, from the lands of Chernigov, Kiev and Smolensk. The Galicians and the Volynians came with their princes as did the inhabitants of Kursk, Trubchevsk and Putivl'. Finally, the Galician 'exiles' (*vygontsi*) also added their numbers to the united Russian armies.¹⁴

The chronicle apparently lists only the most important towns and principalities of Russia which sent their princes and their armies to confront the invaders. These towns and principalities were ruled by the senior members of the different branches of the families of princes in Russia. Thus, it is stated that the Volynians

8 The seventeenth-century Gustinskiy Chronicle states that Oleg Igorevich died in 1205 (*PSRL* 2 (Spb., 1843), p. 329). This is, no doubt, an error for Oleg Svyatoslavich who died the previous year; see the Ermolinskiy Chronicle (*PSRL* 23 (Spb., 1910), p. 60), the *svod* of 1479 (*PSRL* 25 (M.-L., 1949), p. 104) and the Nikon Chronicle (*PSRL* 10 (Spb., 1885), p. 37).

9 The Igorevichi were the sons of Igor' Svyatoslavich; see Table 1:10.

10 *PSRL* 2, col. 718. The three Igorevichi (Vladimir, Roman and Svyatoslav) are mentioned again under the year 1206 without any reference to Oleg (*PSRL* 2, col. 723).

11 Svyatoslav Igorevich was born two years after Oleg, in 1177 (*PSRL* 2, col. 604).

12 *O Chernigovskikh knyazyakh*, p. 282; see also D. Bagaley, *Istoriya Severskoy zemli do poloviny XIV stoletiya* (Kiev, 1882), p. 263. Concerning Oleg Svyatoslavich, see below, p. 163.

13 *Généalogies et mariages occidentaux des Rurikides Russes du X^e au XIII^e siècle* (*Orientalia Christiana* 9.1, no. 35, 1927), p. 19, Table 4:59. Unfortunately Baumgarten does not substantiate his claim.

14 *PSRL* 2, cols. 741-42; see also the Ermolinskiy Chronicle (*PSRL* 23, p. 70 n. 18).

were commanded by the young prince Daniil Romanovich. The armies and principalities of Kiev, Smolensk and Galich were headed by the senior princes of three families of Rostislavichi,¹⁵ Mstislav Romanovich, Vladimir Ryurikovich and Mstislav Mstislavich respectively.

The Ol'govichi¹⁶ also assembled from their towns in the principality of Chernigov. Mstislav Svyatoslavich, whose patrimony was the town of Kozel'sk,¹⁷ was the senior prince of the older house of Ol'govichi who were descended from Vsevolod Ol'govich.¹⁸ This seniority also entitled him to rule in Chernigov, the chief town of the principality; furthermore, it invested him with the rank of commander-in-chief of the armies of the older house of Ol'govichi. However, the Hypatian Chronicle also singles out the armies which came from three other towns in the principality of Chernigov, namely, Kursk, Trubchevsk and Putivl'. They were distinct and, it appears, enjoyed a degree of independence from the armies of Chernigov sent by the older house of Ol'govichi.

Kursk, Trubchevsk and Putivl' belonged to the cadet branch of Ol'govichi who were descended from Svyatoslav Ol'govich.¹⁹ Chronicle information suggests that these towns were the patrimonies of the families of princes descended from the three sons of Svyatoslav Ol'govich — Oleg, Igor' and Vsevolod. According to the Hypatian Chronicle, Putivl' had belonged to the Igorevichi ever since 1185 when Vladimir, the eldest son of Igor', had been prince there. The same account states that Trubchevsk belonged to Vsevolod, the younger brother of Oleg and Igor'. It also notes that Svyatoslav Ol'govich (the son of Oleg and his successor) was the prince of Ryl'sk.²⁰ However, in 1224, unlike 1185, Ryl'sk is not singled out as one of the three towns representing the cadet branch of the Ol'govichi in the campaign against the Tatars; instead the chronicle names Kursk. It becomes necessary therefore to establish what relationship, if any, the towns of Ryl'sk and Kursk had to each other and why the latter is listed rather than Ryl'sk.

The Laurentian Chronicle records an interesting item of information under the year 1241. It states that a certain Prince Mstislav of Ryl'sk was killed by the Tatars.²¹ Zotov agrees with N. M. Karamzin who suggested that the Mstislav killed by the Tatars was the son of Svyatoslav Ol'govich of Ryl'sk.²² He supports

15 The descendants of Rostislav Mstislavich of Smolensk who died in 1168; see Table 2:4.

16 The descendants of Oleg Svyatoslavich (died 1115) the grandson of Yaroslav the Wise; see Table 1:2.

17 A town in the northeast of the principality of Chernigov near the river Zhizdra.

18 See Table 1:3.

19 See Table 1:6.

20 *PSRL* 2, col. 638.

21 *PSRL* 1, col. 470.

22 *O Chernigovskikh knyazyakh*, p. 94.

his claim with information found in the *Rodoslovnaya* (i.e. *Family Register*) of the princes of Chernigov compiled by Archbishop Filaret of Chernigov. As Zotov points out, this work is of special importance because it traces the genealogies of the princes of Ryl'sk and Kursk. Therefore, it is significant that in his *Rodoslovnaya* Filaret lists a Mstislav Svyatoslavich as the younger brother of an Oleg Svyatoslavich.²³ Consequently, the obvious inference that can be made from this information is that the two brothers named by Filaret were none other than Mstislav Svyatoslavich of Ryl'sk, killed by the Tatars in 1241, and his older brother Oleg Svyatoslavich of Kursk.²⁴

It now becomes understandable why the chronicle listed Kursk rather than Ryl'sk in 1224. If Mstislav was prince of Ryl'sk at the time of the Kalka battle, it would not have been listed by the chronicler since it belonged to the younger of the two brothers and not to the senior prince. However, even if Mstislav Svyatoslavich was not the prince of Ryl'sk in 1224, it appears that by that time Kursk had superseded it in importance. This is intimated by the fact that Kursk belonged to Oleg, the eldest son of Svyatoslav Ol'govich.²⁵

There is further evidence to show that Kursk belonged to the house of Svyatoslav Ol'govich of Ryl'sk. Under the year 1224 the Hypatian Chronicle lists only the princes who held seniority in their respective families.²⁶ Consequently, it is significant that although it does not list the princes of Putivl' and Trubchevsk it does name Oleg of Kursk.²⁷ The fact that he alone is mentioned shows that he too enjoyed a position of seniority in his family, the cadet branch of the Ol'govichi. According to tradition, seniority in this family belonged to the

23 *O Chernigovskikh knyazyakh*, p. 247, nos. 58 and 59. Filaret, however, mistakenly assumed that these two princes were the sons of Svyatoslav Igorevich. He also believed that the older brother Oleg Svyatoslavich was the one referred to under the year 1228 (see below, p. 163).

24 There is little doubt that Kursk, as well as Ryl'sk, belonged to the descendants of Oleg Svyatoslavich, the older brother of Igor' and Vsevolod. The Hypatian Chronicle states that in 1161 Oleg was given Kursk by his father Svyatoslav Ol'govich (*PSRL* 2, col. 513). There is no evidence in the sources which shows that Kursk ever belonged to either of Oleg's younger brothers — Igor' or Vsevolod. However, D. S. Likhachev argues that the 'Slovo o polku Igoreve' is a reliable primary source. Therefore he claims that according to this 'source' Vsevolod Svyatoslavich (*Buy Tur*) was prince of Kursk ('Kogda bylo napisano "Slovo o polku Igoreve"?', *Voprosy literatury* 8 (Moscow, 1964), p. 151). A. A. Zimin, on the other hand, believes that the 'Slovo' is not a reliable source ('Kogda bylo napisano "Slovo"?', *Voprosy literatury* 3 (Moscow, 1967), p. 143).

25 Since there is no chronicle evidence to indicate why Svyatoslav Ol'govich's eldest son did not inherit Ryl'sk after his father, the logical conclusion which can be drawn is that Kursk superseded Ryl'sk in importance in the first quarter of the thirteenth century.

26 The only exception to this appears to be the reference to Vasil'ko Romanovich, Daniil's younger brother. However, V. T. Pashuto points out that Vasil'ko's name was probably inserted into the account at a later date by his private chronicler (*Ocherki po istorii Galitsko-volynskoy Rusi* (A. N. SSSR, 1950), pp. 106 ff.).

27 *PSRL* 2, col. 744.

eldest son of Svyatoslav Ol'govich of Ryl'sk, namely, to Oleg Svyatoslavich.²⁸

As has been mentioned above,²⁹ Zotov identified Oleg of Kursk with the Oleg Svyatoslavich of 1228. In that year the grand prince of Vladimir, Yuri Vsevolodovich, consented to the marriage of his nephew Vsevolod Konstantinovich with the daughter of Oleg Svyatoslavich.³⁰ Tatishchev also includes the information concerning the marriage in both redactions of his *Istoriya Rossiyskaya*. Although he gives Oleg a different patronymic in each instance,³¹ he is consistent in calling him prince of Novgorod Severskiy. Tatishchev is the only source to give this information. Despite the fact that his material must be used with discretion, in this instance, to judge from chronicle evidence, his assertion that Oleg Svyatoslavich was prince of Novgorod Severskiy is correct.

Oleg of Kursk, as the eldest son of Svyatoslav Ol'govich of Ryl'sk, was the rightful claimant to the throne of Novgorod Severskiy. He had a legal right to the throne as the senior prince of the cadet branch of the Ol'govichi.³² In the light of chronicle information, it appears that this was the capital town passing to the senior member of the cadet branch (just as Chernigov passed to the senior member of the older branch) and that he had sole right to rule in it. There is no chronicle evidence to show that any members of the older house of Ol'govichi ever ruled in the town.³³ Consequently, by accepting Tatishchev's claim that Oleg Svyatoslavich was prince of Novgorod Severskiy in 1228, we can agree with

28 If Svyatoslav Igorevich, as Zotov postulated, had a son named Oleg, he held no such seniority. On the contrary, this Oleg would have been the son of the youngest son of Igor'; see Table 1:23.

29 See above, p. 160.

30 Ermolinskiy Chronicle (*PSRL* 23, p. 72), the *svod* of 1479 (*PSRL* 25, p. 122) and the Nikon Chronicle (*PSRL* 10, p. 94). The Ermolinskiy Chronicle and the Nikon Chronicle place this marriage under the year 1227 but the *svod* of 1479 puts it under 1228. The marriage probably occurred in 1228. According to the Laurentian Chronicle, Vasil'ko Konstantinovich married the daughter of Mikhail Vsevolodovich and returned to Rostov on 12 February 1228 (*PSRL* 1, col. 450). N. G. Berezhevskiy observes that this is the correct date; see *Khronologiya russkogo letopisaniya* (Moscow, 1963), pp. 107-108. According to the information in the Ermolinskiy Chronicle and the Nikon Chronicle, Vasil'ko's brother Vsevolod married the daughter of Oleg Svyatoslavich after Vasil'ko's marriage (*PSRL* 23, p. 72; *PSRL* 10, p. 94).

31 In the first version of this account Tatishchev identifies him as Oleg Svyatoslavich of Novgorod Severskiy (4.366). In the second version he gives him the patronymic Vsevolodovich (3.221).

32 Just as the town of Chernigov was the seat of the senior prince of the older house of Ol'govichi, similarly it appears that Novgorod Severskiy became the seat of the senior prince of the cadet branch. Thus Oleg Svyatoslavich (the grandfather of the Oleg Svyatoslavich of 1228) was ruling in Novgorod Severskiy as senior prince at the time of his death in 1180. The Hypatian Chronicle then records that he was succeeded by the next prince in precedence, his younger brother Igor' Svyatoslavich (*PSRL* 2, col. 613).

33 This at any rate appears to have been the case after Oleg Svyatoslavich (the grandfather of Oleg of Kursk) became the prince of Novgorod Severskiy. He occupied the throne after his father's death in the spring of 1165 (*PSRL* 2, cols. 523-24).

Zotov that the Oleg Svyatoslavich named under 1228 was also the Oleg Svyatoslavich of Kursk. The fact that by 1228 Oleg had assumed the new and senior title of prince of Novgorod Severskiy explains why the chronicler did not refer to him by his old title of prince of Kursk.³⁴

Finally, it is noteworthy that both Kursk and Novgorod Severskiy are singled out by the chronicler in 1228. In that year Vladimir Ryurikovich of Kiev and Mikhail Vsevolodovich of Chernigov attacked Daniil Romanovich's citadel Kamenets. The Hypatian Chronicle states that Vladimir marched 'with all the princes' and with the troops from Kursk, Pinsk, Novgorod (Severskiy) and Turov.³⁵ Although the chronicle states that only Vladimir marched 'with all the princes', the *Khlebnikovskiy spisok* and the *Pogodinskiy spisok* of the same chronicle add 'and Mikhail with all the princes' (*a Mikhail s vsimi knyazi*).³⁶ Since Mikhail was accompanied by 'all the princes', that is, by all the princes of the principality of Chernigov, this included Oleg Svyatoslavich of Novgorod Severskiy. The fact that, of all the towns of the principality of Chernigov, the chronicler deemed it necessary to single out Kursk and Novgorod Severskiy (the two towns with which Oleg Svyatoslavich had been associated in 1226) supports the argument that these towns had been at odds with Mikhail Vsevolodovich in the not too distant past. The chronicler probably wished to point out that in 1228 all was well in the principality of Chernigov and even the towns of Kursk and Novgorod Severskiy had rejoined the ranks of the forces of Chernigov and now gave support to Mikhail in his military objectives.

However, in 1228 Oleg Svyatoslavich not only professed his allegiance to Mikhail Vsevolodovich by accompanying him on the campaign but also fortified his friendship with Yury Vsevolodovich grand prince of Vladimir. As we have seen, in 1226 the grand prince had come to Chernigov to help Mikhail against Oleg. But the princes were mollified before blood was shed. In view of their recent controversy, Yury and Oleg seemingly decided to show their good will to each other by a public sign of reconciliation. In 1228 they arranged the marriage between Yury's nephew Vsevolod Konstantinovich and the daughter of Oleg

34 In 1226, according to Tatishchev, Metropolitan Kirill accused Yury Vsevolodovich and the other princes (i.e. Mikhail and Oleg) of preparing to wage war on each other because they had quarrelled over a principality (*I vy ... budete drug na druga, kotoruyushchesya o volost', ratovati*) (*Istoriya* 4.365). The fact that the dispute was settled peacefully and Oleg became prince of Novgorod Severskiy soon after suggests that the principality (*volost'*) in question had been Novgorod Severskiy. And since, according to the metropolitan, it was Mikhail who was picking a quarrel unfairly with Oleg (*Mikhail ne po delu na n' [i.e. Olega] kotoru vschinyayet*) (*ibid.*), this also suggests that Oleg was making a legitimate demand on Mikhail, that is, to allow him to rule in his patrimony Novgorod Severskiy.

35 *PSRL* 2, col. 753.

36 *PSRL* 2, col. 753 variant 16.

Svyatoslavich from which resulted rapprochement between Oleg and both the prince of Chernigov and the grand prince of Vladimir. The latter two, therefore, acknowledged Oleg's seniority in the cadet branch of the Ol'govichi and gave their public approbation to his rule on the throne of Novgorod Severskiy.

This identification of Oleg of Kursk as Oleg Svyatoslavich, the son of Svyatoslav Ol'govich of Ryl'sk and senior prince of the cadet branch of the Ol'govichi, enables us to make several observations. First, we have been able to clarify to a greater degree of certainty the genealogies of the families of the cadet branch of Ol'govichi. Second, it has been established that the Ol'govichi adhered faithfully to the tradition of lateral succession and looked upon seniority in the family as inviolable. Third, the fact that Oleg Svyatoslavich became the prince of Novgorod Severskiy (although not without a struggle) shows that the town continued to be ruled by the senior member of the cadet branch in the first half of the thirteenth century. Furthermore, it can be concluded that the two branches of Ol'govichi shared similar political objectives and formed the same military alliances, namely, they fostered friendship with the Vsevolodovichi³⁷ of Rostov-Suzdal' but were hostile to Daniil Romanovich of Volyn'. Finally, the cohesiveness of the Ol'govichi as a political unit is attested to by the singular fact that, prior to the altercation in 1226 which was resolved peacefully, there had been no internal dissent among the princes of Chernigov for over fifty years.³⁸

THE *SNEM* OF 1231

Another account which lists several princes but gives inadequate information concerning their identities is found in only one source, the Laurentian Chronicle. It states that on 6 April 1231 Kirill was consecrated bishop of Rostov in Kiev by the metropolitan and four other bishops. The ceremony was attended not only by the bishops and the senior clergy from Kiev and Chernigov but also by the grand prince of Kiev and his son Rostislav. Various other princes were present at the ceremony because, the chronicler explains, they were in Kiev 'attending a congress'. Among them he lists the following: 'Mikhail, prince of Chernigov, his son [Rostislav], Rostislav Mstislavich, Mstislav, Yaroslav, Izyaslav, Rostislav Borisovich and many other princes' (*Mikhail knyaz' Chernigov'skyy. i syn ego*

37 These were the descendants of Vsevolod Yur'evich (*Bolshoe Gnezdo*) who died in 1212; see Table 3:4.

38 The last time that the Ol'govichi had been pitted against each other was in 1174 when, significantly, it was the grandfathers of Mikhail and Oleg Svyatoslavich of Kursk, namely, Svyatoslav Vsevolodovich and Oleg Svyatoslavich respectively, who were at odds with each other; see the Laurentian Chronicle (*PSRL* 1, s.a. 1175, col. 367).

Rostislav Mstislavich' Mstislav. Yaroslav. Izyaslav. i Rostislav Borisovich. i ini mnogi knyazi).¹

This account of the congress or *snem* held in Kiev in 1231, like the account of the meeting held there in 1223 just prior to the first Tatar invasion, states that there were many other princes present besides the ones named.² Since of these princes only five shared the distinction of being singled out along with Vladimir Ryurikovich the grand prince of Kiev and his son and Mikhail Vsevolodovich the senior Ol'govich and his son, it may be concluded that the princes named either held seniority in their respective families or ruled important principalities or both. Furthermore, as well as naming only the most important princes the chronicler listed them in order of political importance.³ Aside from the normal order of political seniority, it may be assumed also that, since the Rostislavichi were in control of Kiev and one of their family was grand prince, it was they who were named first, ahead of their counterparts among the Ol'govichi. Therefore, having defined our *modus operandi*, let us turn to the individual princes in question, namely, Rostislav Mstislavich, Mstislav, Yaroslav, Izyaslav and Rostislav Borisovich.

Rostislav Mstislavich is the first prince named after the two senior princes and their sons.⁴ Keeping in mind the hierarchical nature according to which the list was formulated, the fact that he is placed immediately after the two senior princes signifies that he was next in importance among the Rostislavichi. In 1231 the most important post held by a Rostislavich, second only to the grand prince of Kiev, was that of prince of Smolensk. Consequently, it follows that the Rostislav Mstislavich who attended the *snem* was the prince of Smolensk.

Although historians concur that the prince in question was a Rostislavich, they disagree concerning his paternity. For example, M. Solov'ev believed that he was

1 *PSRL* 1, col. 457. The editors of the Laurentian Chronicle in *PSRL* 1, according to the classification given in the index to this volume, misinterpreted the list of names and recorded only six princes where, it appears, there should be seven. According to them the list should read as follows: Mikhail, prince of Chernigov and his son Rostislav, Mstislavich Mstislav, Yaroslav, Izyaslav and Rostislav Borisovich. Their error arose from the fact that Rostislav, Mikhail's son, although referred to, is not named; however, immediately following the reference to Mikhail's son the first prince named is in fact a certain Rostislav Mstislavich. The editors failed to realise that in this instance the name Rostislav did not refer to Mikhail's son but to the unidentified Rostislav Mstislavich.

2 The Hypatian Chronicle (*PSRL* 2, col. 741); cf. the Laurentian Chronicle (*PSRL* 1, col. 446).

3 This had also been the case in 1223 when the chronicler explicitly named the three senior princes 'in the Russian land' (*v Russkoi zemli*) and presented them in order of political importance: Mstislav Romanovich a Rostislavich and grand prince of Kiev; Mstislav Svyatoslavich of Kozel'sk the senior Ol'govich and the prince of Chernigov; Mstislav Mstislavich of Galich the second senior prince among the Rostislavichi (Hypatian Chronicle, *PSRL* 2, col. 741).

4 The editors of the Laurentian Chronicle, as we have seen, misread the text and omitted this prince from their index; see above, n. 1.

the son of Mstislav Davidovich;⁵ the latter died as prince of Smolensk in 1230.⁶ But Pashuto is of the opinion that he was the son of Mstislav Romanovich.⁷ Although there is no chronicle evidence to suggest that Mstislav Romanovich had a son by that name, the sources do speak of Rostislav the son of Mstislav Davidovich. One source, the Ermolinskiy Chronicle, has a special list of all the princes who ruled in Smolensk from the time of Vladimir Monomakh (died 1125). Among the princes named is Rostislav the son of Mstislav Davidovich.⁸ Unfortunately, even though it states that Rostislav Mstislavich was prince of Smolensk, the chronicle does not give this information under the relevant year nor does it record the years of his reign.⁹

The information found in the Ermolinskiy Chronicle appears to be refuted by two factors. First, not one of the sources states who replaced Mstislav Davidovich as prince in 1230. Second, Rostislav Mstislavich was not in line to succeed his father to the throne. According to the tradition of lateral succession¹⁰ this title should have passed to Svyatoslav Mstislavich the eldest son of Mstislav Romanovich.¹¹ However, chronicle evidence suggests that in this instance tradition was broken and Rostislav pre-empted seniority from his cousin.¹²

Although the sources fail to state who succeeded Mstislav Davidovich in 1230, they do point out that it was not until 1232 that Svyatoslav Mstislavich sat on the throne. One fact is of special interest: even though he was the legal heir, Svyatoslav had to win his right by force.¹³ But the chronicles do not state from whom. Given the list of princes who attended the congress in Kiev in 1231, it is reasonable to assume that the unnamed prince who had to be driven out of Smolensk in 1232 was none other than Rostislav Mstislavich since it is he who is given the honour due to the prince of Smolensk on the list of participants at the

5 *Istoriya*, book 2, p. 143; see Table 2:14.

6 See the Sofiyskiy First Chronicle (*PSRL* 5, 2nd edition (Leningrad, 1925), p. 209); the Novgorod Fourth Chronicle (*PSRL* 4 (Petrograd, 1915), p. 212); the *svod* of 1479 (*PSRL* 25, p. 125); the Nikon Chronicle (*PSRL* 10, p. 102); the Ermolinskiy Chronicle (*PSRL* 23, p. 73).

7 *Ocherki*, p. 220 and index, p. 321; see also Table 2:10.

8 *PSRL* 23, p. 167.

9 This information is given in a supplement to the chronicle appended after the entry for the year 1447.

10 One fundamental criterion used in establishing the identities of princes is that seniority followed the traditional pattern: it passed laterally from brother to younger brother and from youngest brother to his oldest eligible nephew (i.e. the son of an *izgoy* — a prince debarred from competing for the title of senior prince — was not eligible).

11 See Table 2:20.

12 P. V. Golubovsky observed that the rivalry which arose between the Rostislavichi at this time split the family into two camps, the descendants of Mstislav Romanovich against the descendants of Mstislav Davidovich (*Istoriya Smolenskoy zemli do nachala XV st.* (Kiev, 1895), p. 171).

13 *Novgorodskaya pervaya letopis' starshego i mladshego izvodov* (abbr. *NPL*), ed. A. N. Nasonov (M.-L., 1950), pp. 72, 281.

snem. Consequently, it may be concluded that Rostislav was the son of Mstislav Davidovich, succeeded his father on the throne of Smolensk in 1230, attended the congress in 1231 and was driven out of Smolensk by Svyatoslav Mstislavich in 1232.¹⁴

The second of the five princes named was Mstislav. Baumgarten is of the opinion that he was the son of Mstislav Mstislavich Udaloj, a Rostislavich.¹⁵ However, the editors of the Laurentian Chronicle believe that he was the son of Mstislav Svyatoslavich of Chernigov, an Ol'govich.¹⁶ By keeping in mind the hierarchical order according to which the princes are presented on the list, two things can be assumed regarding the identity of Mstislav: he was an Ol'govich; and he was second in importance to Mikhail Vsevolodovich the senior prince. Neither the Mstislav postulated by Baumgarten nor the one suggested by the editors of the Laurentian Chronicle falls into this category.

The prince in question must have been Mstislav Glebovich;¹⁷ after Mikhail Vsevolodovich his cousin he was the next Ol'govich in precedence. Even though the chronicles do not state explicitly that he succeeded Mikhail as prince of Chernigov after 1236 when the latter became grand prince of Kiev,¹⁸ this is certainly implied. For example, in 1239 when Mikhail was in Kiev, Mstislav Glebovich defended Chernigov, no doubt as its prince, against the Tatars.¹⁹ Later in the same year, after the destruction of Chernigov, the chronicles state that he, along with Daniil Romanovich of Volyn' the senior Romanovich and Vladimir Ryurikovich the senior Rostislavich, concluded peace with the Tatars.²⁰ Again, since Mikhail was grand prince of Kiev at that time, Mstislav must have concluded the peace agreement as prince of Chernigov.

Thus, at the *snem* of 1231 it was Mstislav Glebovich who would have merited the seniority given to the Mstislav in the list of princes. In other words, as the

14 After Mikhail Vsevolodovich grand prince of Kiev fled to Hungary in the winter of 1239/40, the sources state that Kiev was occupied for a short time by Rostislav Mstislavich of Smolensk. This, presumably, was the same prince who attended the *snem* in 1231; see the Hypatian Chronicle (*PSRL* 2, col. 782).

15 Baumgarten, *Généalogies*, Table 9:44, p. 39 and no. 44, p. 43. He gives as his source M. P. Pogodin, *Recherches sur l'Histoire russe* 6.310 (this work was not available to me). See Table 2:17.

16 *PSRL* 1, col. 457. See also index under 'Mstislav Mstislavich syn knyazya Chernigovskago Mstislava Svyatoslavicha', p. 551; see Table 1:16.

17 See Table 1:28.

18 See the Hypatian Chronicle (*PSRL* 2, col. 777); cf. the Nikon Chronicle (*PSRL* 10, s.a. 1238, pp. 113-14) and the Gustinskiy Chronicle (*PSRL* 2, 1843 edition, p. 338).

19 the Hypatian Chronicle (*PSRL* 2, s.a. 1237, col. 782).

20 After the information concerning the Tatar attack on Chernigov two chronicles, the Sofiyskiy First and the Novgorod Fourth, state that the Tatars negotiated a peace settlement with 'Mstislav and Vladimir and Daniil' (*i smirivshasya s M'stislavom i Volodimerom i s Danilom*) (*PSRL* 5, p. 219 and 4, p. 223).

second Ol'govich in precedence, he was placed after Rostislav Mstislavich of Smolensk, the second Rostislavich of importance.

The editors of the Laurentian Chronicle in *PSRL* 1 do not identify Yaroslav, the next prince listed after Mstislav. They refer to him in their index simply as Yaroslav.²¹ However, chronicle evidence suggests that he was Yaroslav Ingvarovich of Lutsk.²² According to the Hypatian Chronicle, in 1226 Mstislav Yaroslavich Nemoy, the prince of Peresopnitsa,²³ gave his patrimony (Lutsk) to Daniil Romanovich of Volyn' and entrusted his son Ivan to Daniil's care. The son died and Yaroslav Ingvarovich (in precedence the senior cousin of Ivan) occupied Lutsk.²⁴ But the following year Daniil captured Yaroslav and took Lutsk away from him.²⁵ Later Daniil released him and compensated him for his loss of Lutsk by giving him first Peremil' and then also Mezhibozh'e.²⁶

As a result of Yaroslav's rivalry with the prince of Volyn', it is reasonable to assume that he would have been eager to obtain military aid from the grand prince of Kiev and the Rostislavichi against his adversary. According to chronicle evidence the two families had helped each other in the past. The *svod* of 1479 states that in 1212 Ingvar Yaroslavich of Lutsk, the father of Yaroslav, helped the Rostislavichi to drive from Kiev Vsevolod Chermnyy, the father of Mikhail Vsevolodovich.²⁷ Presumably Yaroslav continued his father's policy of co-operation with the Rostislavichi.²⁸ This hypothesis may help to explain his presence at the congress in Kiev. He came, no doubt, to solicit aid from the princes and with their help hoped to regain his patrimony.²⁹ Since Yaroslav Ingvarovich was also the senior prince of the family which ruled in Lutsk, his

21 *PSRL* 1, index, p. 556.

22 See Table 4:20. Lutsk is located in the eastern region of the principality of Volyn' near the river Styr'.

23 Peresopnitsa is located east of Lutsk near the river Gorin'.

24 *PSRL* 2, col. 750; see Table 4:23.

25 *PSRL* 2, col. 751.

26 *PSRL* 2, col. 753. Peremil' is on the river Styr' south of Lutsk while Mezhibozh'e is located on the upper reaches of the Southern Bug.

27 *PSRL* 25, p. 109; cf. the Ermolinskiy Chronicle (*PSRL* 23, p. 64), the L'vov Chronicle (*PSRL* 20 (Spb., 1910), p. 147), the Nikon Chronicle (*PSRL* 10, s.a. 1214, p. 67).

28 Baumgarten believes that Yaroslav Ingvarovich was married to the daughter of Roman Rostislavich of Smolensk (*Généalogies*, Table 14:5, p. 60). Unfortunately he does not give his source.

29 Although the chronicler does not explain why the princes came to Kiev in 1231, one of the most pressing reasons was their concern over the increasing strength of Daniil Romanovich. By 1231 his attempts to unify the lands of Volyn' under his authority had been successful: he had taken Chertoryysk (northeast of Lutsk on the river Styr') from the princes of Pinsk (Hypatian Chronicle, *PSRL* 2, col. 752) and he had driven Yaroslav Ingvarovich out of Lutsk. Furthermore, by 1231 he had not only taken possession of Galich but also successfully repulsed an attack by the Hungarians who attempted to regain possession of the town (*PSRL* 2, col. 759).

rank ensured him a place on the list enumerating the most prominent princes at the *snem*.

The fourth prince who attended the congress in Kiev is Izyaslav. This name has caused much confusion and controversy both in the chronicles and among historians. Only the Laurentian Chronicle speaks of Izyaslav under the year 1231. However, many other sources refer to either Izyaslav or Izyaslav Mstislavich or both, but only under the year 1235.³⁰ The Hypatian Chronicle is an exception in that it gives a relatively copious amount of information concerning an Izyaslav in its entries for the first half of the thirteenth century. Since neither the chronicles nor the historians agree that the references are to one or more than one prince, and since the Laurentian Chronicle gives no hint concerning the identity of the Prince Izyaslav who attended the *snem*, it is necessary to search for clues in the Hypatian Chronicle which speaks of an Izyaslav most frequently.

It mentions Prince Izyaslav in entries under two separate years prior to the first Tatar invasion in 1224. The initial reference to him is made under the year 1206: at that time Vladimir Igorevich occupied Galich and gave Terebovl' on the river Seret to his son Izyaslav.³¹ Two years later another account describes how the Hungarians and all the princes of Volyn' attacked the Igorevichi in Galich. During the battle Izyaslav Vladimirovich and the Polovtsy came to the aid of his uncle, Roman Igorevich.³² Later in the same campaign, when the Hungarians approached Galich, Vladimir and his son Izyaslav were forced to flee from the town. During his flight, while Izyaslav was defending himself against his pursuers, he lost his packhorse to them.³³ There is no doubt that in these two accounts the chronicle is referring to Izyaslav the son of Vladimir Igorevich. However, after 1208 the chronicle is silent concerning the activities of this prince for almost twenty years.

After the Kalka battle, however, Izyaslav is mentioned in various entries. An account under 1226 records that Zhiroslav, a boyar from Galich, sought refuge with Izyaslav.³⁴ Later in the same year the king of Hungary waged war on the lands of Galicia. When he was returning home from the campaign, Izyaslav and the boyar Zhiroslav overtook him and accompanied him back to Hungary.³⁵ Seven years later, in 1233, Izyaslav promised to aid Daniil Romanovich against

30 This reference is in relation to the battle fought in the spring of that year when an Izyaslav brought the Polovtsy and helped Mikhail Vsevolodovich to capture Kiev; 'Izyaslav' then became grand prince of Kiev. See below, p. 172.

31 *PSRL* 2, col. 723; see Table 1:32.

32 *PSRL* 2, cols. 724-25.

33 *PSRL* 2, col. 726.

34 *PSRL* 2, cols. 747-48.

35 *PSRL* 2, col. 750.

the Hungarians. However, he betrayed Daniil and ordered his troops to pillage Daniil's lands in Volyn'.³⁶ In the spring of 1235 Izyaslav and the Polovtsy helped Mikhail Vsevolodovich to drive Vladimir Ryurikovich out of Kiev.³⁷ In the following year Mikhail, along with Izyaslav and the Polovtsy, waged an unsuccessful campaign against Daniil.³⁸ The last time that Izyaslav is mentioned is well after the Tatar invasion, under the year 1255, when he attempted to capture Galich from Daniil. He not only failed in his venture but was taken prisoner by the prince of Volyn'.³⁹

Various factors suggest that the Izyaslav Vladimirovich mentioned by the sources before the Kalka battle, and the Izyaslav referred to after it, are one and the same person. First, it should be noted that Izyaslav Vladimirovich was the last Izyaslav named by the chronicler as taking an active part in the politics of Galicia prior to the Kalka battle. Therefore, when the chronicler had occasion to refer to him again in 1226, he probably felt it superfluous to identify him with his patronymic. By 1226 Izyaslav, no doubt, had assumed the role of the senior prince among the Igorevichi since his father is no longer mentioned after that date. To be sure, the manner in which the chronicler refers to him merely as Izyaslav suggests that he was well known (at least to the chronicler), and that the latter always had the same person in mind when using that name.⁴⁰ Furthermore, the frequency with which Izyaslav is accompanied by the Polovtsy before and after the Kalka battle bespeaks the same person.⁴¹ It is not surprising that Izyaslav Vladimirovich enjoyed close ties with the Polovtsy in view of the fact that his mother was the daughter of Khan Konchak.⁴²

The general consistency of the activities of the Izyaslav referred to before the Kalka battle and the one mentioned after it also suggests the same person. There were two pronounced trends in his political activity: on the one hand he was constantly on hostile terms with Daniil Romanovich,⁴³ and on the other hand he

36 *PSRL* 2, col. 770.

37 *PSRL* 2, cols. 772-74.

38 *PSRL* 2, cols. 774-75.

39 *PSRL* 2, cols. 829-30.

40 There are only two other instances between 1201 and 1256 when a prince Izyaslav is cited in the Hypatian Chronicle. 'Izyaslav of Novgorod' is mentioned under the year 1235 (*PSRL* 2, col. 776) and 'Izyaslav of Svislochesk' is referred to under the year 1256 (*PSRL* 2, col. 831). In both instances the chronicler identifies the particular prince by his place of provenance. Consequently, he would have no doubt drawn the reader's attention to Izyaslav's identity in all the above cited instances where he is named if this were not the same prince throughout. (Zotov is also of the opinion that the Hypatian Chronicle refers to the same Izyaslav in all instances; see *O Chernigovskikh knyazyakh*, no. 67, p. 282).

41 *PSRL* 2, cols. 724-25, 770, 772-74, 774-75.

42 *PSRL* 2, col. 659.

43 This hostility towards Daniil is first recorded in the chronicles under the year 1208. At that time Izyaslav came to the aid of his uncle Roman Igorevich against Daniil and his supporters

always entertained friendly relations with the Ol'govichi. There is no evidence of any disputes between him and Mikhail Vsevolodovich of Chernigov. This harmony of purpose shows that if there were family ties between Izyaslav and either one of the two senior princes in southern Russia they must have existed between him and Mikhail⁴⁴ and not, as has been suggested, between him and Vladimir Ryurikovich.⁴⁵ It may be concluded, therefore, that the references to Izyaslav in the Hypatian Chronicle in the first half of the thirteenth century, before and after the Kalka battle, were always to Izyaslav Vladimirovich, the son of Vladimir Igorevich. Unfortunately, despite all the references which the chronicle makes to him, it fails to record that he attended the *snem* in Kiev.

Before attempting to identify the Prince Izyaslav cited in the Laurentian Chronicle under 1231 with Izyaslav Vladimirovich, it is necessary to establish whether or not he was the only Izyaslav eligible to be placed on the list of princes at the congress. To do this it is necessary to jump ahead to the year 1235 and unravel, if possible, the confusion which exists among various chronicle accounts concerning the identity (or identities) of 'Izyaslav' and 'Izyaslav Mstislavich'.

Following is the pertinent information for the events which transpired in the spring of 1235. Vladimir Ryurikovich and the troops from Kiev, along with Daniil Romanovich and the troops from Galich, marched against Mikhail Vsevolodovich in Chernigov. (Meanwhile, Izyaslav Vladimirovich 'fled' (*bezha*) to the Polovtsy.) Mikhail came out of the town and by means of a trick succeeded in killing many of the troops from Galich and driving off the attackers so that Daniil barely escaped. As a result the grand prince also was forced to withdraw to

(*PSRL* 2, cols. 724-25). In 1226, after the king of Hungary was defeated by Daniil and his allies, he was joined by Izyaslav as he returned to Hungary (*PSRL* 2, cols. 748-50). Although Izyaslav formed an alliance with Daniil in 1233, presumably, in the light of his ensuing betrayal, he had no intention of remaining faithful to his oath of allegiance to Daniil (*PSRL* 2, col. 770).

44 Solov'ev argues that the passage in the Hypatian Chronicle which states that Mikhail and Izyaslav threatened to march against Daniil if he did not release their 'brothers' the 'princes of Bolokhov' (*PSRL* 2, col. 775) establishes the fact that Izyaslav was an Ol'govich (*Istoriya*, book 2, p. 331 n. 268). However, A. E. Presnyakov points out that this is not conclusive proof of Mikhail's and Izyaslav's blood relationship. He explains that the term 'brother' (*brat*), when used among princes, did not necessarily connote only blood relations but could also mean a prince with whom one lived in peace and accord, namely, an ally (*Knyazhoe pravo v Drevney Rusi* (Spb., 1909), p. 114). In this instance, when Mikhail and Izyaslav spoke of their 'brothers', they were probably referring to their allies and brothers-in-arms, the 'princes of Bolokhov'.

45 Various chronicles and historians express the view that Izyaslav was a Rostislavich (see below nn. 49, 50). When Izyaslav broke his trust with Daniil in 1233, he also broke faith with the grand prince of Kiev who was an ally of Daniil (*PSRL* 2, col. 770). The fact that Izyaslav chose to adopt a hostile policy towards Vladimir Ryurikovich, the senior prince among the Rostislavichi, suggests that Izyaslav was not a Rostislavich. Furthermore, as we shall see, in 1235 it was Izyaslav Vladimirovich and the Polovtsy who helped Mikhail to attack Kiev and also capture Vladimir Ryurikovich (*PSRL* 2, cols. 772-74).

Kiev. Later, when Izyaslav arrived with a large force of Polovtsy, Mikhail joined him with his troops from Chernigov and together they attacked and captured Kiev. During the fighting Vladimir and his wife were taken prisoner by the Polovtsy. Because of this victory Mikhail occupied the throne of Galich and Izyaslav became the grand prince of Kiev. However, after a time the Polovtsy released Vladimir Ryurikovich for a ransom.⁴⁶

The problem concerning the prince or princes named 'Izyaslav' arises from the following two pieces of information: 'Prince Izyaslav', with the aid of the Polovtsy, helped Mikhail Vsevolodovich to capture Kiev; after that 'Prince Izyaslav' became the new grand prince of Kiev.⁴⁷ There is little agreement among chroniclers and historians concerning the identity of the prince or princes referred to in the two entries.

A close scrutiny of these references to Izyaslav in the various chronicle texts reveals an apparent discrepancy in the accounts. The Hypatian Chronicle and the Novgorod First Chronicle simply refer to the prince as Izyaslav without giving him a patronymic.⁴⁸ The remaining chronicles call either one or both of the princes (i.e., the Izyaslav who led the Polovtsy and the Izyaslav who became grand prince) 'Izyaslav Mstislavich'. Some add that he was the grandson of Roman Rostislavich of Smolensk.⁴⁹

The apparent inconsistency in the chronicle information has given rise to disagreement among historians. Some side with the chronicles which state that the prince, in both cases, is Izyaslav Mstislavich the grandson of Roman

46 the Novgorod First Chronicle (*NPL*, pp. 73-74, 284-85).

47 The Laurentian Chronicle makes no reference to Mikhail's and Izyaslav's attack on Kiev in 1235. It simply states that 'all was peaceful' (*PSRL* 1, col. 460). The Hypatian Chronicle, which gives the most detailed description of the hostilities between the princes in the spring of that year, speaks of Izyaslav without giving his patronymic. Although it describes how Izyaslav led the Polovtsy in his attack on Kiev, it does not mention that Izyaslav became grand prince (*PSRL* 2, cols. 772-74). The Novgorod First Chronicle copies the Hypatian Chronicle's account in that it does not give Izyaslav's patronymic; however, unlike the Hypatian Chronicle, it adds that Izyaslav became grand prince of Kiev (*NPL*, pp. 74, 284; cf. the Novgorod Fourth Chronicle which states that 'Izyaslav Mstislavich' led the Polovtsy but that 'Izyaslav' occupied the throne of Kiev, *PSRL* 4, p. 214). The remaining chronicles all record that Izyaslav Mstislavich both led the Polovtsy and became grand prince: the Sofiyskiy First Chronicle (*PSRL* 5, p. 210), the Moscow *Akademicheskii spisok* of the Suzdal' Chronicle (*PSRL* 1 (Leningrad, 1928), col. 513), the Gustinskiy Chronicle (*PSRL* 2, 1843 edition, p. 337); several add that he was the grandson of Roman Rostislavich of Smolensk: the *svod* of 1479 (*PSRL* 25, p. 126), the Ermolinskiy Chronicle (*PSRL* 23, p. 74), the L'vov Chronicle (*PSRL* 20, p. 156), the Nikon Chronicle (*PSRL* 10, s.a. 1235 and s.a. 1236, p. 104).

48 *PSRL* 2, cols. 772-74; *NPL*, pp. 74, 284.

49 the *svod* of 1479 (*PSRL* 25, p. 126); the Ermolinskiy Chronicle (*PSRL* 23, p. 74); the L'vov Chronicle (*PSRL* 20, p. 156); the Nikon Chronicle (*PSRL* 10, s.a. 1235 and s.a. 1236, p. 104).

Rostislavich of Smolensk.⁵⁰ Another school of thought supports the view that the prince, in both instances, is Izyaslav Vladimirovich the son of Vladimir Igorevich.⁵¹ Solov'ev, finally, is alone in his opinion when he claims that the Izyaslav, in both episodes, is the son of Vladimir Ryurikovich and thus also a Rostislavich.⁵² There is, however, one point on which the three schools of opinion are agreed, that the reference to 'Izyaslav', in both instances, is to the *same* prince. Therefore, given the diversity of views concerning the two entries referring to 'Izyaslav' under 1235, it is necessary to turn for guidance to the most detailed and also the most reliable account of this information, namely, that which is found in the Hypatian Chronicle.

It has been noted that this chronicle has the most copious information concerning Izyaslav Vladimirovich. This is true especially for the year 1235. At that time he played a major role in vanquishing the grand prince of Kiev by bringing the Polovtsy to the aid of Mikhail Vsevolodovich of Chernigov. However, despite an abundance of information, and despite the cardinal role which Izyaslav played in the campaign, the chronicle not once mentions that Izyaslav became grand prince of Kiev. It is surprising that this source, which devotes the most attention to Izyaslav's activities in 1235, failed to record what would have been the crowning achievement of his efforts. The omission could not have been an oversight on the part of the chronicler. Furthermore, it states that later in the same year Mikhail and Izyaslav attacked Daniil Romanovich. After the encounter we are informed that Mikhail returned to Galich (he was able to occupy it as a result of his victory over Vladimir Ryurikovich and Daniil), but again the chronicle fails to mention that Izyaslav returned to Kiev.⁵³ In short, the absence of information in the Hypatian Chronicle concerning Izyaslav Vladimirovich as grand prince of Kiev is a convincing indication that he did not occupy the throne in 1235.

However, despite the absence of any reference to Izyaslav's occupation of Kiev in the Hypatian Chronicle, all the remaining sources which record Mikhail's and

50 Tatishchev, *Istoriya* 4.372; Pashuto, *Ocherki*, pp. 215-16; G. E. Perfecky, trans., *The Hypatian Codex Part Two: The Galician-Volynian Chronicle* (Munich, 1973), p. 152; M. Hrushevsky, *Ocherk istorii Kievskoy zemli ot smerti Yaroslava do kontsa XIV stoletiya* (Kiev, 1891), p. 282 and *Istoriya Ukraini-Rusi*, 2nd edition, 2 (L'vov, 1905), p. 246.

51 N. M. Karamzin, *Istoriya gosudarstva Rossiiskago*, 3rd edition, 3 (Spb., 1830), pp. 310, 63-64 n. 283; Zotov, *O Chernigovskikh knyazyakh*, pp. 76-80, no. 26; the editors of the following chronicles: the Novgorod First Chronicle (*NPL*, index, p. 579), the Laurentian Chronicle (*PSRL* 1, index, p. 547), the Ermolinskiy Chronicle (*PSRL* 23, index, p. 215), the *svod* of 1479 (*PSRL* 25, index, p. 413), the Nikon Chronicle (*PSRL* 14, Vtoraya polovina, *Ukazatel' Nikonovskoy Letopisi IX-XIV t.t.* [Petrograd, 1918], p. 67); 'Chernigovskie knyaz'ya', *Russkiy biograficheskiy slovar'* 22 (Spb., 1905), p. 244.

52 *Istoriya*, book 2, p. 733.

53 *PSRL* 2, col. 775.

Izyaslav's victory over Vladimir Ryurikovich and Daniil do add that 'Izyaslav' occupied the grand princely throne. It is noteworthy, furthermore, that these chronicles are almost unanimous in their information that the prince who replaced Vladimir in Kiev was Izyaslav Mstislavich.⁵⁴ In view of the fact that, on the one hand, the Hypatian Chronicle, which records the activities of Izyaslav Vladimirovich throughout, makes no reference to his occupying Kiev and, on the other hand, that the remaining sources state that an Izyaslav Mstislavich did occupy Kiev, it may be concluded (contrary to the opinion of all the historians referred to above⁵⁵) that *two* Izyaslavs and not one were involved in the events of 1235. Based on the information found in the Hypatian Chronicle, it has been established that the prince who led the Polovtsy was Izyaslav Vladimirovich. Of the chronicles which refer to the second Izyaslav, those which give him a patronymic call him Mstislavich.⁵⁶ Therefore, the prince who replaced Vladimir Ryurikovich as grand prince in 1235 must have been an 'Izyaslav Mstislavich'.

As we have seen,⁵⁷ several of the sources stated that Izyaslav Mstislavich was the grandson of Roman Rostislavich. There is little reason to doubt this information. It is conceivable that Izyaslav Mstislavich, the youngest prince of the senior branch of Rostislavichi⁵⁸ (i.e., the branch which would provide a successor

54 Only two chronicles, the Novgorod First and the Novgorod Fourth, do not give the prince's patronymic; significantly, they do not contradict this information. They simply record his name as Izyaslav (*NPL*, pp. 74, 284; *PSRL* 4, p. 214). Presumably the compiler of the Novgorod Fourth Chronicle merely forgot to copy the patronymic since the Sofiyskiy First Chronicle, which, like the Novgorod Fourth, drew its information from the hypothetical 'svod of 1448', includes the patronymic Mstislavich (see *PSRL* 5, p. 210).

55 See p. 173.

56 Presumably the chronicles which included entries referring to both Izyaslav Vladimirovich and Izyaslav Mstislavich under 1235 did not derive their information from only one south Russian source. This is supported by the fact that all these chronicles record their information concerning each Izyaslav as a separate entry. To judge from the accounts there were at least three sources of south Russian information for 'Izyaslav's' occupation of Kiev. The Novgorod First Chronicle, the oldest account, simply states that Izyaslav occupied Kiev. The Sofiyskiy First Chronicle and the Novgorod Fourth Chronicle must have had access to another source since they provide Izyaslav with the patronymic Mstislavich. (This source apparently misplaced the patronymic and also gave it to the Prince Izyaslav who led the Polovtsy.) Finally, the *svod* of 1479, the Ermolinskiy Chronicle, the L'vov Chronicle and the Nikon Chronicle all had access to yet another south Russian source: all four chronicles add the information that Izyaslav Mstislavich was the grandson of Roman Rostislavich of Smolensk (see above, n. 47).

57 See above, n. 47.

58 Izyaslav Mstislavich appears to have been the youngest of Mstislav Romanovich's sons. The eldest son was Svyatoslav (see Novgorod First Chronicle, *NPL*, pp. 59, 260); he occupied Smolensk by force in 1232 (*NPL*, pp. 72, 281). Izyaslav's other older brother Vsevolod was placed on the throne of Smolensk by Yaroslav Vsevolodovich in 1239 (Laurentian Chronicle, *PSRL* 1, col. 469).

to Vladimir Ryurikovich as grand prince of Kiev⁵⁹), could rule, temporarily, in Kiev.

To judge from events which transpired in 1235, his occupation of the grand princely throne was merely a stopgap measure to maintain the rule of the Rostislavichi in Kiev while Vladimir Ryurikovich was being held captive by the Polovtsy. After the ransom was paid for Vladimir's release, he returned to Kiev as grand prince;⁶⁰ in other words, there was a peaceful transition of authority as Izyaslav Mstislavich stepped down from the throne and allowed his uncle to resume rule.

Given the above conclusion, namely, that there were two Izyaslavs (Izyaslav Vladimirovich and Izyaslav Mstislavich) active in the political arena of southern Russia in the 1230's, it is now possible to turn to the problem of identifying the 'Izyaslav' who attended the *snem* of 1231. Despite the fact that the Hypatian Chronicle, which gives the fullest account of the activities of Izyaslav Vladimirovich, neglects to mention the congress and his presence there,⁶¹ it is nevertheless Izyaslav Vladimirovich who is referred to by the Laurentian

59 Vladimir Ryurikovich was the last surviving grandson of Rostislav Mstislavich. Consequently, according to the tradition of lateral succession, the grand princely throne would pass to the sons of Mstislav Romanovich (see Table 2:10).

60 Although the sources do not state that Vladimir Ryurikovich returned to Kiev after his captivity, this appears to have been the case. The Novgorod First Chronicle merely explains that Izyaslav became grand prince of Kiev after Vladimir was captured in 1235. Later in the same year the Polovtsy released Vladimir. Then, under the following year, it states that Yaroslav Vsevolodovich occupied Kiev (*NPL*, pp. 74, 284-85). However, the Hypatian Chronicle implies that Vladimir returned to Kiev itself as its prince; it states that Yaroslav Vsevolodovich 'took Kiev from Vladimir' (*pride Yaroslav. Suzhdal'skyy i vzya Kiev pod Volodimerom*) (*PSRL* 2, col. 777). The Nikon Chronicle to a certain extent appears to corroborate the information given by the Hypatian Chronicle. It explains that Vladimir had ruled on the throne of Kiev for ten years when he was captured by the Polovtsy, who, after his ransom was paid, allowed him to return to 'Rus'. Then it states that 'after him', i.e. after Vladimir, Yaroslav Vsevolodovich of Novgorod came and sat on the grand princely throne of Kiev (*I syade po nem na stole na velikom knyazheniy v Kieve knyaz' Yaroslav Vsevolodovich' Novgorodtskiy*) (*PSRL* 10, p. 104). Finally, Karamzin, who seemingly had access to what are now unavailable sources, states unequivocally that Izyaslav did not stay in Kiev for long in 1235. He was replaced by Vladimir Ryurikovich after the latter had been released by the Polovtsy (*Istoriya* 3.312-13).

61 In view of the fact that one of the chief functions of the Hypatian Chronicle was to record the activities of the Romanovichi, it is not surprising to find that it does not mention the *snem* since the Romanovichi were not present. To be sure, the Laurentian Chronicle itself, the only source which makes any reference to the congress, does so only incidentally. The chief purpose of the account in which the reference is made is not to report on the congress but to record the consecration of the new bishop of Rostov. In his desire to stress the solemnity of the occasion, the chronicler enumerated the senior prelates of Kiev and Chernigov who were in attendance. He was able to stress the pomp surrounding the celebrations even more emphatically by noting that a large number of princes (who had come to Kiev to attend a congress) were also present at the ceremony. It is therefore fortuitous that the information concerning the *snem* has been preserved at all.

Chronicle. The hierarchical order of the list of princes precludes the inclusion of Izyaslav Mstislavich among the princes named since he did not enjoy any seniority among the Rostislavichi at that time.⁶² However, Izyaslav Vladimirovich did merit the distinction of being singled out because he was not only the senior prince among the Igorevichi but also one of the chief military powers in the politics of southern Russia during this period.

The last of the princes listed as attending the congress in Kiev was Rostislav Borisovich. The editors of the Laurentian Chronicle identify this prince as 'Rostislav Mstislavich-Borisovich, the son of Mstislav-Boris Romanovich', a Rostislavich.⁶³ Baumgarten agrees with this view but at the same time expresses some doubt.⁶⁴ His uncertainty is justified because this is a contrived identification.

All the chronicles, as a rule, when referring to a prince call him by the same name. Thus, according to custom, each prince was given two first names: his secular name and his Christian name. The chroniclers traditionally refer to him by his secular name.⁶⁵ A prince, for example, whose secular name was Rostislav

62 The editors of the Laurentian Chronicle and the Moscow *Akademicheskii spisok* of the Suzdal' Chronicle in *PSRL* 1 erroneously assumed that the sources refer to only one Izyaslav (Izyaslav Mstislavich) under 1235. They also believe that the Izyaslav mentioned at the *snem* is the Izyaslav spoken of in 1235. Consequently, they place themselves in the incongruous position of having to call him 'Izyaslav (Mstislavich) Vladimirovich, prince of Novgorod Severskiy' (*PSRL* 1, index, p. 547; see also col. 513, n. b). Although the Izyaslav who attended the congress in 1231 was the son of Vladimir Igorevich, he was not the prince of Novgorod Severskiy as the editors suggest. After 1226 the prince of this town was Oleg Svyatoslavich the senior prince of the cadet branch of the Ol'govichi (see above, p. 163). To judge from his political activity, Izyaslav Vladimirovich's principality (if he had one after 1226) lay somewhere between Galich and Kiev. The Hypatian Chronicle states that he became prince of Terebovl' in 1206 after his father presented the town to him (*PSRL* 2, col. 723). In 1233 when Daniil went to Kiev to procure the assistance of Vladimir Ryurikovich, he came back with the grand prince and also with Izyaslav. Daniil, probably, was able to conscript his aid on his way to, or on his return from, Kiev. Since Izyaslav came with the Polovtsy this suggests that his lands lay not only between Galich and Kiev, but also somewhere on the southern periphery of this region where he was able to have easy and frequent intercourse with the Polovtsy. It has been noted that Mikhail and Izyaslav called the 'princes of Bolokhov' their 'brothers' (see above, n. 44). These princes were, in all probability, Izyaslav's northern neighbours and allies. Therefore chronicle evidence suggests that Izyaslav ruled somewhere between Galich and Kiev, perhaps in Terebovl'. Alternatively, as Zotov suggests, after his father Vladimir Igorevich had been expelled from Galich, Izyaslav may have even lived with the Polovtsy in the steppe (*O Chernigovskikh knyazyakh*, p. 78).

63 'Rostislav Mstislavich-Borisovich syn knyazya Mstislava-Borisa Romanovicha' (*PSRL* 1, index, p. 553). See Table 2:10.

64 *Généalogies*, Table 9:34, p. 39.

65 Various entries in the sources give evidence of this tradition. For example, under the year 1213 the Laurentian Chronicle informs us that a son was born to Yuri Vsevolodovich and he was called Vsevolod, but 'in holy baptism he was given the name Dmitry' (*PSRL* 1, col. 438). Subsequently the chronicles referred to him only as Vsevolod; see for example s.a. 1219, the Laurentian Chronicle (*PSRL* 1, col. 444), the Nikon Chronicle (*PSRL* 10, p. 85), and s.a. 1221, the *svod*

and Christian name was David (i.e. Rostislav-David) and whose father's secular name was Mstislav and Christian name was Boris (i.e. Mstislav-Boris), was called Rostislav Mstislavich. In other words, one chronicle would not speak of him as Rostislav Mstislavich and another as Rostislav Borisovich or David Mstislavich or David Borisovich.⁶⁶

However, in the case of Rostislav Borisovich the editors of the chronicle propose precisely this: that the chronicle deviates from its traditional consistency in referring to a prince by his secular names. They claim that the chronicler in this instance calls the father of Rostislav (i.e. Mstislav-Boris Romanovich) by his Christian name, Boris Romanovich, rather than by the name customary, Mstislav Romanovich.⁶⁷ Since there is no reason why the chronicler should make an exception concerning Mstislav Romanovich in this one instance when listing Rostislav Borisovich, it may be assumed that the editors erred in their identification. Rostislav was not the son of Mstislav-Boris Romanovich of Smolensk but of some other prince named Boris. Furthermore, had a Rostislav Mstislavich-Borisovich existed, he would not have been eligible for inclusion on the list of princes, to judge from its hierarchical nature. Svyatoslav, the eldest son of Mstislav Romanovich, had a prior claim.⁶⁸

It is necessary therefore to search elsewhere for clues to the identity of Rostislav Borisovich. The *Komissionnyy spisok* of the Novgorod First Chronicle has a short entry under the year 1222 which is of particular interest. It states that on 17 January 'the descendants of Yaroslav, the inhabitants of Smolensk, took Polotsk from the Princes Boris and Gleb' (*A Yaroslavitsi*,⁶⁹ *smolnyane vzyale*

of 1479 (*PSRL* 25, p. 118), and s.a. 1222, the Novgorod First Chronicle (*NPL*, pp. 60, 262), the Ermolinskiy Chronicle (*PSRL* 23, p. 69), the Sofiyskiy First Chronicle (*PSRL* 5, p. 202), the Novgorod Fourth Chronicle (*PSRL* 4, p. 200), the Vladimir Chronicle (*PSRL* 30 (Moscow, 1965), p. 85) and elsewhere.

Similarly, under the year 1210 the Laurentian Chronicle states that a son was born to Konstantin Vsevolodovich who was called Vsevolod, but 'in holy baptism he was given the name John (*Ioan*)' (*PSRL* 1, col. 435). However, after this information concerning his baptism the sources always refer to him by his secular name, Vsevolod. See for example s.a. 1212, the Laurentian Chronicle (*PSRL* 1, col. 437); s.a. 1218, the *Rogozhskiy letopisets* (*PSRL* 15 (Petrograd, 1922), col. 26), the Ermolinskiy Chronicle (*PSRL* 23, p. 67), the *svod* of 1479 (*PSRL* 25, p. 115) and elsewhere.

66 It appears that there were exceptions to the practice of referring to a prince by his secular name. However, the chronicles were consistent in using throughout whatever name they adopted. Thus some princes were called by their Christian name as was, for example, Mikhail Vsevolodovich of Chernigov. (Although his secular name is not known there can be little doubt that Mikhail was his Christian name.)

67 Mstislav Romanovich had three sons, Svyatoslav, Vsevolod (Novgorod First Chronicle, *NPL*, s.a. 1219, pp. 59, 260) and Izyaslav (see above, p. 175); all three were given the patronymic Mstislavich.

68 Novgorod First Chronicle (*NPL*, s.a. 1219, pp. 59, 260).

69 Golubovsky points out that according to an old tradition only the inhabitants of Polotsk

Poltesk, genvaryya v 17, pri knyaze Borise i Glebe).⁷⁰ It is noteworthy that one of the princes ruling in Polotsk at that time was Boris.⁷¹ According to the Laurentian Chronicle, one of the four bishops who participated in the consecration ceremony of the bishop of Rostov in 1231 was Bishop Aleksey ('*Oleksa*') of Polotsk.⁷² In all likelihood the bishop, when he came to Kiev, was accompanied by one of the local princes, in this instance by Rostislav Borisovich.⁷³ The fact that he is placed last on the list implies that, although politically the least important, he still merited acknowledgement because he was the senior prince of the house of Polotsk in attendance in Kiev in 1231.

Having established the identities of the princes who attended the *snem*, we see that they represented a large proportion of the families of princes in Russia. This means that nominally, if not in fact, the majority of princes were at peace with each other in 1231 (the chief families of princes excluded from the congress were the Vsevolodovichs of Rostov-Suzdal', the princes of Volyn' and the princes of Ryazan' and Murom).

More specific conclusions can be drawn concerning individual families of princes. For example, by showing that it was Rostislav Mstislavich who was present at the congress we have clarified, at least in part, the family trees of Mstislav Davidovich and Mstislav Romanovich. His attendance also reveals that the Rostislavichi were not a unified family but rather plagued with internal feuding. To become prince of Smolensk, Rostislav had to usurp the throne from his cousin in 1230. By identifying the next prince, Mstislav, as Mstislav Glebovich the second prince in seniority among the Ol'govichi, we have confirmed the order of succession in his family. The presence of the third prince, Yaroslav Ingvarovich of Lutsk, is significant because it has enabled us to discern at least one issue — perhaps the most pressing one — of concern to the princes of Russia who attended the meeting, namely, the problem of the increasing power of Daniil Romanovich.

The investigation concerning Izyaslav has enabled us to discover that there were two Izyaslavs, and not one, active in southern Russia in the 1230's. The first was Izyaslav Vladimirovich, an Igorevich, a close and constant ally of

called the descendants of Yaroslav the Wise '*Yaroslavtzi*' (*Istoriya Smolenskoy zemli*, p. 198).

⁷⁰ *NPL*, p. 263. The *Sinodal'nyy spisok* does not have this information. The only other reference to the episode is found in Tatischev under 1220. He states that the prince of Smolensk and Yaroslav Pereyaslavskiy (and not the '*Yaroslavtzi*') besieged Polotsk and took the town on 17 January from the princes Boris and Gleb (*Istoriya* 4.360).

⁷¹ Baumgarten says that this was Boris Davidovich (*Généalogies*, Table 8:36, p. 33). He gives Tatishchev and the *Komissionnyy spisok* as his sources; however, neither of them gives Boris a patronymic.

⁷² *PSRL* 1, col. 456.

⁷³ Rostislav was presumably the son of the Boris who ruled in Polotsk in 1222.

Mikhail Vsevolodovich, Even though his activity and interests were centred in southwest Russia he remained faithful to the tradition of the Ol'govichi. His allegiance to the prince of Chernigov helped not only to maintain the unity of the family but also to assert the authority of the Ol'govichi over southern Russia. Second, the identification of Izyaslav Mstislavich of Smolensk has once again widened our knowledge of the family tree of Mstislav Romanovich. It has also enabled us to establish that a Rostislavich replaced Vladimir Ryurikovich in Kiev in 1235. This is significant because it shows that the victors, the Ol'govichi, did not occupy Kiev but allowed the Rostislavichi to remain in control, albeit now with much less authority and prestige since they were at the mercy of the Ol'govichi. Finally, by establishing that the last prince named was Rostislav Borisovich prince of Polotsk, we have discovered the identity of the ruler of this principality and have also seen how expansive an area the Rostislavichi and the Ol'govichi were able to influence jointly.

PRINCE YAROSLAV

The third account which will be investigated speaks of a certain 'Yaroslav' who besieged Kamenets¹ in 1239. The sources record the following information. According to the Laurentian Chronicle 'Yaroslav marched on Kamenets and occupied the town; he brought back to his own [principality] Mikhail's wife and many prisoners'.² Somewhat different information is found in the Hypatian Chronicle but its account is incomplete: '[Yaroslav] went and captured his [Mikhail's] wife and boyars and captured Kamenets. When Daniil heard this he sent envoys [to Yaroslav] asking him to release his sister [i.e. Mikhail's wife] and send her to him since Mikhail was planning evil against both of them. Yaroslav complied with his request. Their sister came to Daniil and Vasil'ko and they received her with honour.'³

The Novgorod chronicles fail to record these events. However, they are found in three other sources.⁴ The sixteenth-century Vladimir Chronicle has a new item of information. It states that 'Grand Prince Yaroslav' (*knyaz' velikii Yaroslav*) marched against Kamenets and took the town, 'but Prince Mikhail escaped' (*a knyaz' Mikhailo uteche*). However, Yaroslav 'captured his wife and took many

1 Concerning Kamenets see M. Dimnik, 'Kamenec', *Russia mediaevalis* 4 (forthcoming).

2 'Yaroslav ide g Kamen'tsyu. grad vzya Kamenets'. a knyagynyu Mikhailovu. so mnozh'svtom polona privede v svoya si' (PSRL 1, col. 469).

3 PSRL 2, cols. 782-83.

4 The entry in the *svod* of 1479 (one of the three other sources) is almost identical to that of the Laurentian Chronicle (PSRL 25, p. 130).

other prisoners'.⁵ Finally, most of the MSS. of the Nikon Chronicle which record the event refer to 'Yaroslav' as 'Grand Prince Yaroslav Vsevolodovich'.⁶

There are several reasons for the uncertainty concerning the identity of 'Yaroslav'. First, neither of the two oldest chronicles (the Laurentian and the Hypatian) recording this information gives his patronymic. Second, although later chronicles refer to him as 'Grand Prince Yaroslav' and even 'Grand Prince Yaroslav Vsevolodovich', they do not offer any explanation why the grand prince of Vladimir would have made this unprecedented attack.⁷ Furthermore, it becomes even more questionable that 'Yaroslav' was the grand prince when it is noted that the attack occurred not much more than a year after the Tatars had devastated northeast Russia.⁸ It is difficult to imagine that the grand prince attacked Kamenets in southwest Russia and renewed the inter-princely feuding not only after his own principality had been devastated but even as the invaders were regrouping their forces in the steppe for a new onslaught. These observations have divided historians into two camps concerning the identity of 'Yaroslav'. Most of them believe, like N. M. Karamzin,⁹ that he was in fact Yaroslav

5 *PSRL* 30, p. 90; M. N. Tikhomirov believed this chronicle to be an abridgement of, or an extract from, a major sixteenth-century *svod*, close in its origins to the Trinity Chronicle and some Novgorodian *svod* ('Letopisnye pamyatniki byvshego Sinodal'nogo (Patriarshego) sobraniya', *Istoricheskie zapiski* 8 (1942) 261). L. L. Murav'eva considers that the compiler of the Vladimir Chronicle used a Novgorod source which was at the basis of the Novgorod Fourth Chronicle ('Novgorodskie izvestiya Vladimirovskogo letopiststva', *Arkheograficheskii ezhegodnik za 1966* (Moscow, 1968), pp. 37-40), a view shared by Ya. S. Lur'e ('Troitskaya letopis' i moskovskoe letopisanie XIV v.', *Vspomogatel'nye istoricheskie dissipliny* 6 (Leningrad, 1974), p. 84).

6 *PSRL* 10, p. 115. Solov'ev dismissed this information as irrelevant by suggesting that the patronymic appended to Yaroslav's name in the Nikon Chronicle is an addition made by a later copyist who attempted, unsuccessfully, to clarify the ambiguity (*Istoriya*, book 2, p. 332 n. 277).

7 Although Kamenets was an important object of inter-princely rivalry, this conflict was limited to the princes of south and southwest Russia (Hypatian Chronicle, *PSRL* 2, s.a. 1228, cols. 753-54; s.a. 1235, cols. 774-75; see also Dimnik, 'Kamenec'). In the first half of the thirteenth century, prior to 1239, not one prince from the northeast of Russia had attacked Kamenets.

8 The Tatars invaded northeast Russia in the winter of 1237/8 and then returned to the steppe in the spring (Laurentian Chronicle, *PSRL* 1, cols. 461-65). Although it is difficult to establish the exact date of Yaroslav's attack, it probably occurred in 1239 since all the chronicles which record the event (with the exception of the Hypatian Chronicle which misplaces it under 1238) place it under the year 1239. In the Laurentian Chronicle it is placed between the entry which records Baty's sack of Pereyaslavl' (3 March) and the information concerning the fall of Chernigov (18 October). The Vladimir Chronicle corroborates the date by placing this entry immediately before its account of the destruction of Chernigov (*PSRL* 30, p. 90). Consequently, it may be concluded that Yaroslav attacked Kamenets between 3 March and 18 October 1239.

9 *Istoriya* 4.17, 5 n. 19; see also M. D. Priselkov, *Troitskaya letopis', rekonstruktsiya teksta* (M.-L., 1950), index, p. 498; Pashuto, *Ocherki*, p. 81; the compilers of the 1975 indexes to the Hypatian Chronicle (*Immennoy i geograficheskoy ukazateli k Ipat'evskoy letopisi*, compiled by L. L. Murav'eva and L. F. Kuz'mina (Moscow, 1975), p. 71); the compilers of the indexes to various chronicles in the series *PSRL* (viz. 1, p. 556; 14, p. 163; 25, p. 428).

Vsevolodovich grand prince of Vladimir. Others, however, are of the opinion that he was Yaroslav Ingvarovich of Lutsk.¹⁰

Despite the arguments to the contrary, chronicle information supports the view that 'Yaroslav' was Yaroslav Vsevolodovich. As has been noted, there is the evidence of chronicles which refer to him either as 'Grand Prince Yaroslav' or 'Grand Prince Yaroslav Vsevolodovich'.¹¹ Even though the Laurentian Chronicle does not give his patronymic, there can be little doubt that it is speaking of the grand prince. Although it mentions Yaroslav Vsevolodovich five times under the year 1239, it does not give his patronymic even once. Twice he is referred to as 'Grand Prince Yaroslav' and three times simply as 'Yaroslav'. Furthermore, similar to the entry concerning Kamenets which is introduced with the phrase 'In that year Yaroslav went to Kamenets' (*Togo zhe leta Yaroslav ide g Kamen'tsyu*), there is another entry which is introduced with the same phrase 'In that year Yaroslav went to Smolensk' (*Togo zhe leta Yaroslav ide Smolin'sku*).¹² Consequently, since there is no doubt that, when the Laurentian Chronicle speaks of 'Yaroslav' in the other four entries under 1239, it is speaking of Yaroslav Vsevolodovich, it may be assumed that the 'Yaroslav' who attacked Kamenets was *also* the grand prince.

The Hypatian Chronicle which has unique information concerning these events not only supports the view that 'Yaroslav' was the grand prince and not the prince of Lutsk, but also gives a clue to the motive for his attack. According to this source Daniil requested Yaroslav to send him his sister because 'Mikhail was planning evil against both of them'.¹³ This statement precludes Yaroslav Ingvarovich of Lutsk as the prince in question. There is no evidence to show that the prince of Lutsk and Mikhail were ever at odds. On the contrary, in 1231 Yaroslav Ingvarovich had attended the *snem* in Kiev as an ally of Mikhail Vsevolodovich. To be sure, the prince of Lutsk in all probability had come to seek succour against Daniil who had deprived him of his patrimony.¹⁴

The Yaroslav against whom Mikhail 'was planning evil' was the grand prince of Vladimir. He and Mikhail had a long-standing rivalry.¹⁵ Their antagonism

10 Solov'ev, *Istoriya*, book 2, p. 332 n. 277. The compilers of the index of personal names to the first eight volumes of *PSRL* place 'Yaroslav' under Yaroslav Vsevolodovich; however, they are not convinced that their identification is correct and advise the reader that in this one instance for the entry under 1239 'Yaroslav' may be Yaroslav Ingvarovich of Lutsk (*Ukazatel' k pervym os'mi tomam polnago sobraniya russkikh letopisey* 1 (Spb., 1898), p. 374). See also 'Chernigovskie knyaz'ya', p. 246.

11 Vladimir Chronicle (*PSRL* 30, p. 90) and the Nikon Chronicle (*PSRL* 10, p. 115).

12 *PSRL* 1, cols. 467-70.

13 *PSRL* 2, cols. 782-83.

14 See above, p. 169.

15 The two princes became rivals at an early age. In 1206, when the youths were still pawns in the politics of their elders, Mikhail's father drove Yaroslav out of Pereyasavl' south of Kiev and

reached a new height in the years 1235 and 1236 after Mikhail (with the assistance of Izyaslav Vladimirovich) had succeeded in defeating the joint forces of the grand prince of Kiev and Daniil Romanovich and replacing the latter as prince in Galich.¹⁶ Mikhail's overwhelming success forced the prince of Volyn' and the princes of Rostov-Suzdal' to form an unprecedented alliance. N. M. Karamzin (who apparently had access to sources now no longer extant) states that Daniil Romanovich and Yury Vsevolodovich (Yaroslav's older brother and grand prince of Vladimir until 1238 at which time he was killed by the Tatars¹⁷) formed an agreement to place Yaroslav on the throne of Kiev in 1236.¹⁸ By doing so they attempted to undermine the authority of the prince of Chernigov in southern Russia. It was presumably because of this alliance that, later in 1239, Daniil told Yaroslav that 'Mikhail was planning evil against both of them'. The alliance also gave Daniil the prerogative to ask Yaroslav to send his sister (Mikhail's wife) to him.

To judge from these observations, Yaroslav's motive in 1239, in line with the policy adopted by the allies in 1236, was to weaken the authority of the Ol'govichi, namely, Mikhail Vsevolodovich who had become grand prince of Kiev in 1236¹⁹ and Izyaslav Vladimirovich who had become the prince of Kamenets after 1235.²⁰ However, if his objective was to help Daniil to regain Kamenets from the Ol'govichi, he failed.²¹ But Yaroslav did achieve a limited

placed his son on the throne (Laurentian Chronicle, *PSRL* 1, col. 428). In the late 1220's and early 1230's when Mikhail was prince of Chernigov and Yaroslav was prince of Pereyaslavl' Zaleskiy in northeast Russia, their rivalry for control of Novgorod nearly developed into open warfare (Novgorod First Chronicle, *NPL*, s.a. 1228, pp. 66-68, 272-74; s.a. 1229, pp. 68, 274-75; *PSRL* 1, s.a. 1230, cols. 455-56). Finally, in the winter of 1231/2 Yaroslav attacked the northern region of the principality of Chernigov (*NPL*, pp. 71, 280; cf. *PSRL* 1, col. 459).

16 Hypatian Chronicle (*PSRL* 2, cols. 772-74).

17 Laurentian Chronicle (*PSRL* 1, col. 465).

18 Karamzin, *Istoriya* 3.312-13. Although the Vsevolodovichi of Rostov-Suzdal' were not implicated directly in the conflict of 1235, it appears that they became alarmed by Mikhail's success and at the disruption of the existing *status quo*. Yaroslav Vsevolodovich no doubt still feared the support which Mikhail had enjoyed as prince in Novgorod and thus sought to prevent the renewal of Mikhail's interest in that town.

19 Even though the princes of Volyn' and Rostov-Suzdal' had formed an alliance in 1236 in the hope of establishing their authority over Kiev, they failed. Although the Novgorod First Chronicle states that Yaroslav Vsevolodovich occupied Kiev in that year (*NPL*, pp. 73-74, 284-85), the Hypatian Chronicle goes on to explain that he was not able to establish his control over it and 'returned to Suzdal'; it was taken from him by Mikhail' (*ne moga ego derzhati. ide paky Suzhdalyu. i vzya pod nim'. Mikhail*) (*PSRL* 2, col. 777).

20 Traditionally Kamenets belonged to the prince of Volyn', but it appears that after his defeat at the hands of the Ol'govichi in 1235 Daniil lost it to Izyaslav Vladimirovich (see Dimnik, 'Kamenec').

21 The fact that Yaroslav attacked Kamenets independently of Daniil suggests that he acted before he could inform Daniil of his intentions and that the attack was in fact a raid rather than a

degree of success with his raid. His exploit weakened the stronghold of the Ol'govichi and, by capturing Mikhail's wife and handing her over to her brother, Yaroslav gave his ally Daniil an added advantage in the latter's future negotiations with Mikhail.²² Consequently, Yaroslav's opportunism enabled him, to a limited degree, to weaken Mikhail's hold over southern Russia.

The 'Yaroslav' who attacked Kamenets in 1239, therefore, was not Yaroslav Ingvarovich of Lutsk but Yaroslav Vsevolodovich the grand prince of Vladimir. This is significant because it shows that the exploit was not merely an occasional raid made by a minor prince and thus an incident of secondary importance. On the contrary, the fact that the grand prince of Vladimir chose to make his unprecedented incursion into southwest Russia at a time when he should have been preparing himself against a renewed Tatar attack shows that the rivalry between the princes in Russia was still rife during the years of the Tatar invasion. Thus, even after his lands had been razed, Yaroslav refused to make peace with the other princes of Russia. Instead, he continued an active policy of aggression and sought to weaken the authority of his chief rival, Mikhail Vsevolodovich of Chernigov and grand prince of Kiev.

* * *

We can summarise our observations as follows. By establishing the identities of the princes in question we have been able to obtain a more accurate knowledge of the genealogies of various families of princes in Russia during the first half of the thirteenth century. A study of the first account has revealed that, despite the crisis between Oleg Svyatoslavich and Mikhail Vsevolodovich, the Ol'govichi adhered faithfully to their traditions of succession and seniority and that, in the long run, the crisis of 1226 did not weaken their political unity. Second, the ac-

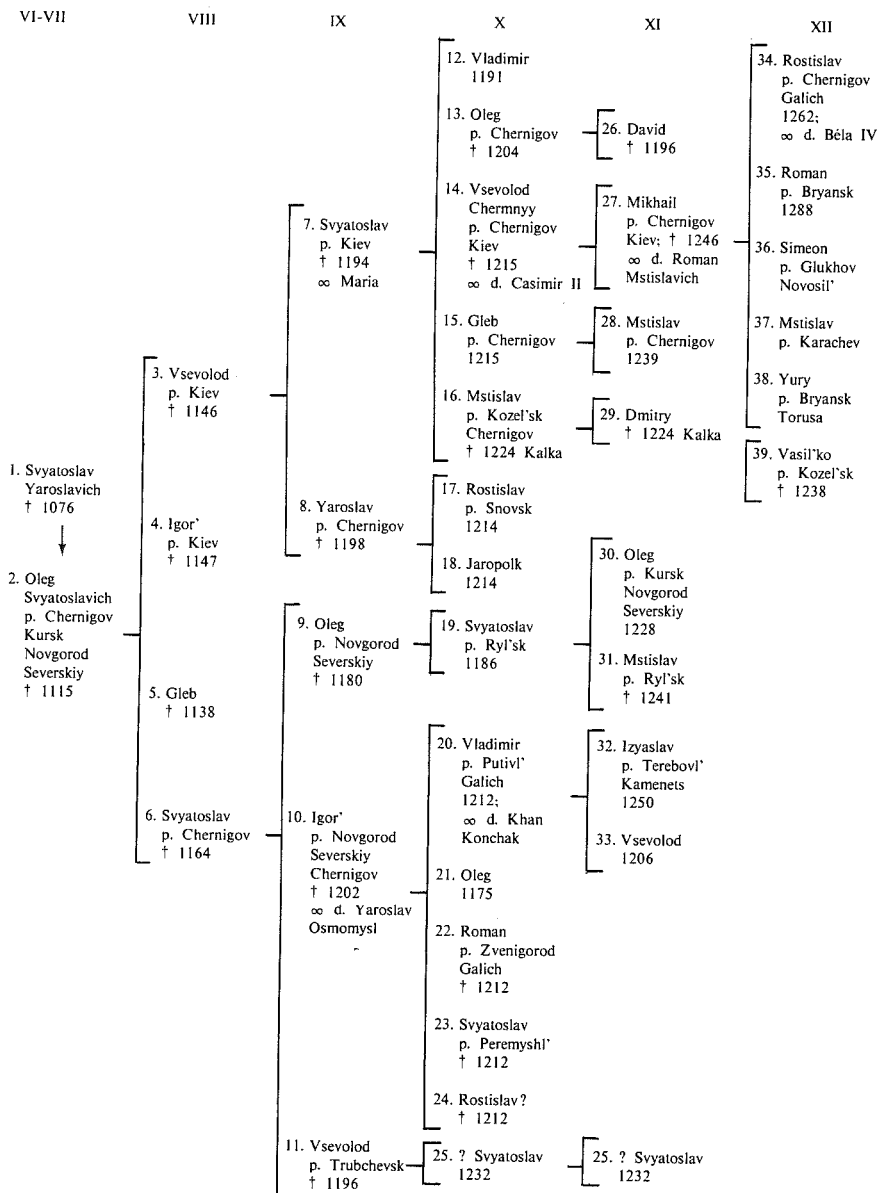
prolonged campaign. This can be gleaned from the few details given in the sources. For example, to capture the wife of a prince was, to be sure, a rare occurrence; this is the only recorded instance in the first half of the thirteenth century. Therefore, the fact that Mikhail's wife was taken captive and that Mikhail himself had to resort to flight indicates that Yaroslav's attack must have taken the inhabitants and the visitors in Kamenets by complete surprise. According to the Laurentian Chronicle, in 1239 Yaroslav went to the principality of Smolensk to wage war against the Lithuanians. From there he returned home with much booty and with great honour (*PSRL* 1, col. 469). It was no doubt while he was in the principality of Smolensk that Yaroslav was informed of Mikhail's presence in Kamenets and attacked the town.

22 In the winter of 1239/40 Mikhail fled from Kiev to Hungary in the face of an impending Tatar attack. Consequently, in 1240 when Daniil was not only in control of Galich, but had also occupied Kiev (*Hypatian Chronicle*, *PSRL* 2, col. 782) and still held Mikhail's wife in 'custody', Mikhail was left with little bargaining power and he sued for peace. Daniil accepted his offer and, among the several concessions which Daniil made, he also returned Mikhail's wife to him (*Hypatian Chronicle*, *PSRL* 2, col. 783).

count of the *snem* of 1231 shows that at that time the Rostislavichi and the Ol'govichi were allied to most of the princes in Russia chiefly for the purpose of curbing the expansionist activity of Daniil Romanovich of Volyn'. Finally, the account of Yaroslav's raid on Kamenets in 1239 illustrates the extent and seriousness of princely feuding even after the Tatars had devastated northeast Russia in the winter of 1237/8.

Table 1
OL'GOVICH

Generation:



Explanatory Note: d. = daughter of; p. = prince of; † = died; ∞ = married; the generation after Rurik to which a prince belongs is placed at the top of each column in Roman numerals.

Table 2
ROSTISLAVICHI

Generation:

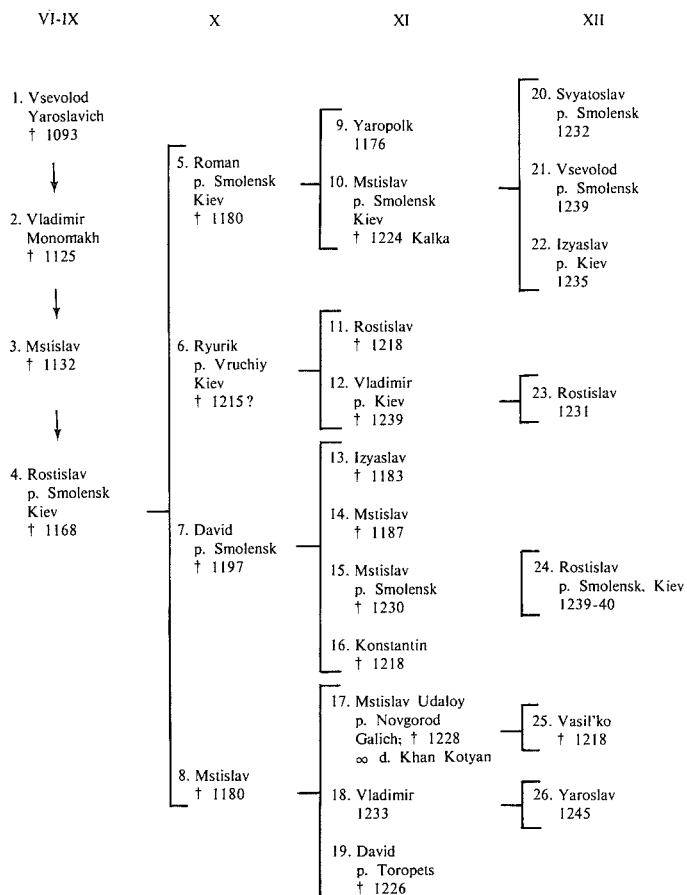


Table 3
VSEVOLODOVICH

Generation:
VI-IX

X

XI

XII

1. Vsevolod
Yaroslavich
† 1093

2. Vladimir
Monomakh
† 1125

3. Yury
Dolgorukiy
† 1157

4. Vsevolod
Bol'shoe Gnezdo
p. Vladimir
† 1212

5. Konstantin
p. Rostov
Vladimir
† 1218

6. Boris
1187

7. Gleb
1189

8. Yury
p. Vladimir
† 1238
∞ d. Vsevolod
Chernnyy

9. Yaroslav
p. Pereyasavl'
Vladimir
Kiev
† 1246

10. Vladimir
† 1229

11. Svyatoslav
p. Jur'ev
Vladimir
† 1252

12. Ivan
p. Starodub
1246

13. Vasil'ko
p. Rostov
† 1238
∞ d. Mikhail
Vsevolodovich

14. Vsevolod
p. Yaroslavl'
† 1238
∞ d. Oleg
Svyatoslavich

15. Vladimir
p. Uglich
† 1249

16. Vsevolod
† 1238

17. Mstislav
† 1238

18. Vladimir
† 1238

19. Fedor
† 1233

20. Aleksandr Nevskiy
p. Vladimir
† 1263

21. Andrey
p. Suzdal'
† 1264

22. Konstantin
p. Galich
† 1255

23. Yaroslav
p. Tver'
† 1272

24. Daniil
† 1256

25. Mikhail
† 1248

26. Vasily
p. Kostroma
† 1276

27. Dmitry
p. Jur'ev
† 1269

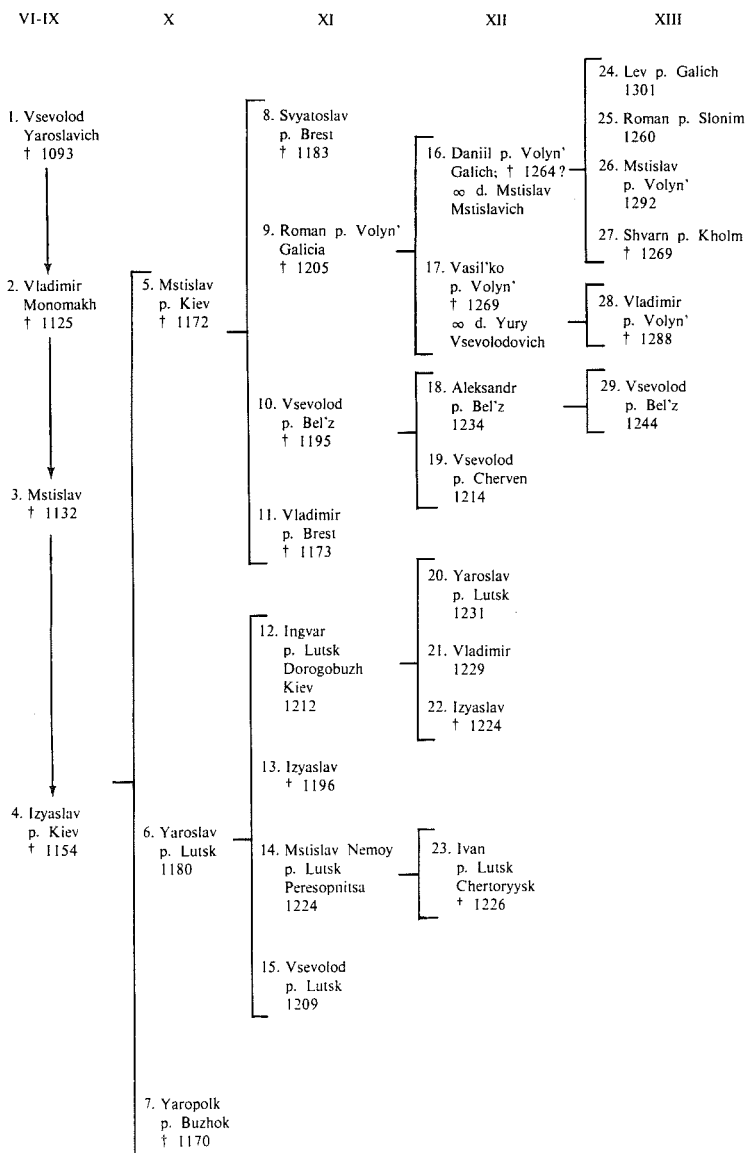
28. Mikhail
p. Starodub
† 1281

29. Boris
p. Rostov
† 1277

30. Gleb
p. Beloozero
† 1238

Table 4
PRINCES OF VOLYN' AND GALICIA

Generation:



ROME UNDER ATTACK:
AN ESTIMATION OF KING AISTULF'S
MOTIVES FOR THE LOMBARD SIEGE OF 756

Jan T. Hallenbeck

IN late 755 King Aistulf of the Lombards (749-756) unleashed a fierce attack upon the duchy of Rome and then in January 756 put the Holy City itself under siege. Pope Stephen II (752-757), writing to King Pepin of the Franks (751-768) in request of aid against these aggressions, reported both operations in vivid detail.¹ Homes, churches and monasteries in the duchy were looted and burned. Monks were murdered while nuns were raped and then killed. Tenants of the *domus cultae*, the papacy's agricultural estates, were taken captive or put to death. The stronghold of Narni and several other Roman outposts were seized. Soon Rome was surrounded from every quarter. Tuscan troops assaulted the Porta Portuensis and the gate of St. Pancratius along the Tiber. Contingents under Aistulf himself beset the Salarian gate and invested the northwestern walls. Beneventan units completed the encirclement, besieging the gates of St. John and St. Paul and seeking penetration of the southern fortifications. Rome's only connection with the outside was the Tiber, upon whose waters papal envoys set out in late February to Francia in search of relief from King Pepin. Day after day, night after night for nearly three months Aistulf pressed the attack. Then, in April, Pepin answered the pope's pleas, bringing an army to Italy and causing Aistulf to retreat from Rome in order to protect the northern regions of his kingdom.² The first of the two eighth-century Lombard sieges of Rome was at an end.³

1 *Codex Carolinus*, ed. W. Gundlach (MGH *Epistolae* 3; Berlin, 1892), ep. 8, pp. 494-95. Other contemporary accounts of the siege and its corollary ravaging of the Roman duchy are: *Vita Stephani II, Liber pontificalis*, ed. L. Duchesne, 2nd edition, 2 vols. (Paris, 1955), 1.451-52; *Chronicon Salernitanum*, ed. Ulla Westerbergh (Stockholm, 1956), p. 8.

2 *Vita Stephani II*, pp. 452-53. See also *Fredegarii Chronicon. The Fourth Book of the Chronicle of Fredegar with Its Continuations*, ed. J. M. Wallace-Hadrill (London-New York, 1960), p. 107.

3 The other siege was conducted by King Desiderius in 772-773. See below, p. 220 and n. 100.

Amplly reported in the sources and frequently described by modern authorities, Aistulf's siege is a familiar event to many students of early medieval history.⁴ It may not be very well understood, however, for no significant inquiry has been made into its causes. Most importantly, there has been no serious effort to estimate Aistulf's motives for conducting the siege. Here one finds at best a vague scholarly assumption that the king wanted to annex Rome to his kingdom or at least establish a royal protectorate over it.⁵ Nor has there been any appreciable attempt to relate the investment to earlier events and developments. What we have in this regard is another impression, as vague as the first, that the siege was natural and predictable because Aistulf had previously shown consistent hostility toward Rome and the papacy and had demonstrated interest in placing the city actually or nominally in his power.⁶ The premise of this study is that since the siege was a major event in Lombard history, Aistulf's motives for undertaking it deserve something better than the cursory treatment which they have hitherto received. They should be determined as exactly as possible in light of the available documentary and circumstantial evidence. Moreover, the links between the siege and its antecedents should be identified and put into focus to the extent warranted by the same information. It is thus that the present study considers the various motives which Aistulf might have had for conducting the siege, proposes several which were likely to have been the real ones, and examines the entire motivation problem in the context of related developments which took place both immediately and well before the siege began.

I

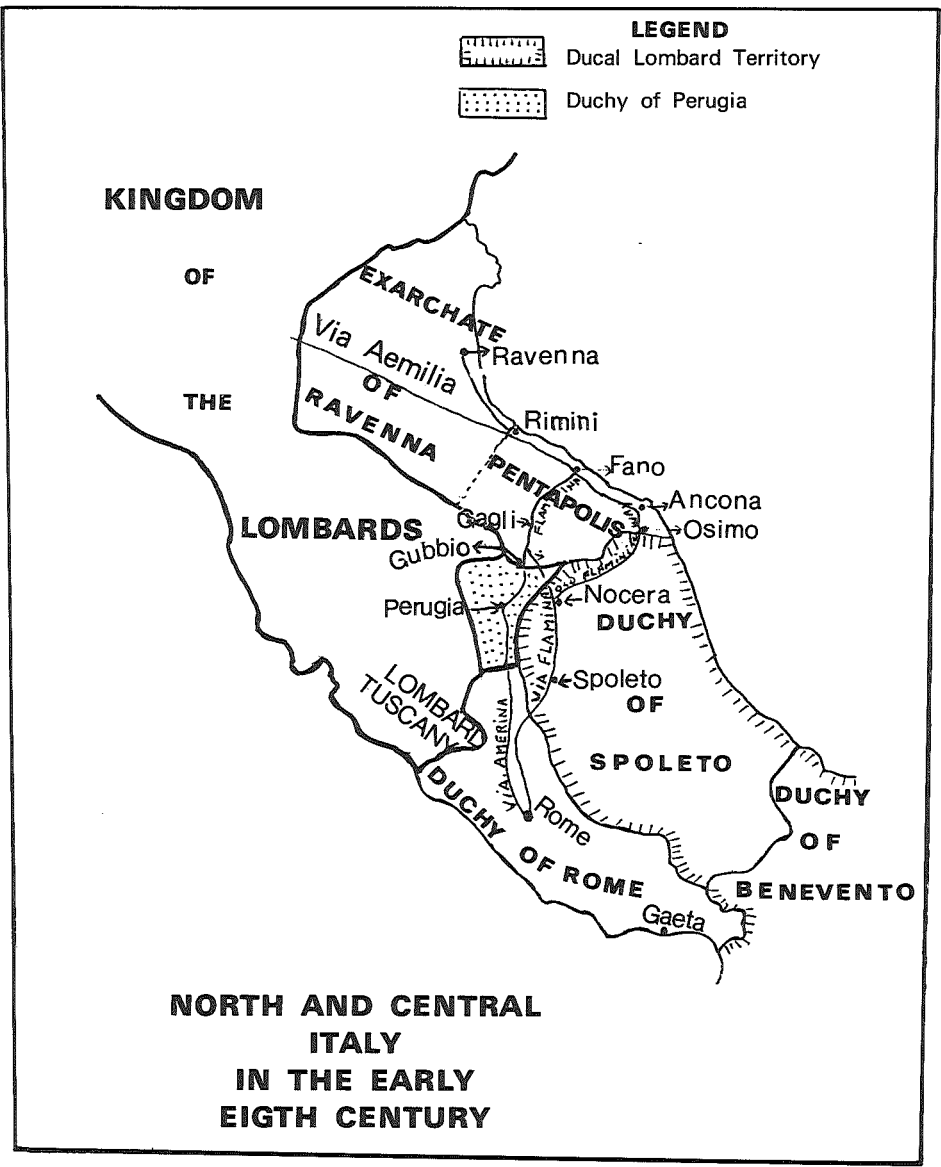
Some background material must be furnished first concerning the political geography of north and central Italy in the eighth century prior to Aistulf's accession in 749. In the north lay the Lombard kingdom stretching from the Alps south to the frontiers of the duchies of Rome and Perugia. East of the Lombard kingdom along the Adriatic was the Byzantine exarchate of Ravenna,⁷ the seat of

4 The most useful secondary treatments are: O. Bertolini, *Roma di fronte a Bisanzio e ai Longobardi* (Bologna, 1941), pp. 558-68; J. Haller, *Die Quellen zur Geschichte der Entstehung des Kirchenstaats* (Leipzig-Berlin, 1907), pp. 90-97; T. Hodgkin, *Italy and Her Invaders*, 8 vols. (Oxford, 1829-99), 7.209-15; L. Levillain, 'L'avènement de la dynastie carolingienne et les origines de l'état pontifical', *Bibliothèque de l'Ecole des Chartes* 94 (1933) 282-84. There are many other accounts, all of which offer virtual repetition of the source remarks. The most recent example is P. Llewellyn, *Rome in the Dark Ages* (New York, 1970), pp. 213-15.

5 For a discussion of this assumption, see below, pp. 200-203. The assumption appears to be based upon the facts that in 752 Aistulf threatened to impose tribute upon the Romans and then in 753 made extensive preparations for a siege of Rome.

6 This impression is considered in pp. 200-203 below.

7 The term *exarchatus Ravennantium* originally referred to all imperial territories in Italy —



the empire's declining Italian power.⁸ Immediately south of the exarchate on the coast was the Pentapolis, which bordered upon the Lombard duchy of Spoleto and was the southernmost imperial Adriatic territory.⁹ Reaching directly south from the Pentapolis through the Apennines and the Tiber Valley was the duchy of Perugia. Nominally a Byzantine possession, Perugia was sandwiched between the Lombard kingdom and Lombard Spoleto. Through it ran the Via Amerina, the primary communication link between Rome and Ravenna.¹⁰ From Perugia south to about Gaeta and north as far as Lombard Tuscany in the Lombard kingdom was the duchy of Rome. Originally an imperial territory, the duchy was by 750 virtually autonomous and dominated by the papacy and local nobles.¹¹ Bordering upon the Roman duchy was the Lombard duchy of Spoleto and south of that the duchy of Benevento, the latter having as much interplay with south Italy as with the center or north. Both Spoleto and Benevento had traditionally enjoyed independence from the Lombard crown.

From about 725 onward the political relations between these regions were tense and complex. Most important for our purposes was the attempt of King Liutprand (712-744) to create a Lombard kingdom of Italy by conquering the

Ravenna, Venice, the Pentapolis, Perugia, Rome, Naples, Calabria and their cognate regions. By the seventh century, however, the exarchate was regarded as a specific district, the city of Ravenna and the region bounded by the Po on the north, the Apennine crest in the west, and the Marecchia River in the south (A. Guillou, *Régionalisme et indépendance dans l'Empire byzantin au VII^e siècle. L'exemple de l'exarchat et de la Pentapole d'Italie* (Rome, 1969), p. 43). For geographical details see *ibid.*, pp. 43-46 and C. Diehl, *Etudes sur l'administration byzantine dans l'Exarchat de Ravenne (568-751)* (Paris, 1888; rpt. New York, 1972), pp. 51-59.

8 Byzantine authorities in Ravenna and other imperial Italian centers — notably Rome, Venice, Perugia, and the Pentapolis — lacked sufficient support from Constantinople and found the source of imperial military power in Italy, the local military aristocracies, increasingly attached to either the archdiocese of Ravenna or the papacy as economic and legal dependents or through land tenure (D. H. Miller, 'The Roman Revolution of the Eighth Century: A Study of the Ideological Background of the Papal Separation from Byzantium and Alliance with the Franks', *Mediaeval Studies* 36 (1974) 90, 93). See also Guillou, *Régionalisme*, pp. 231-33. Imperial power was virtually extinguished in the Italian revolt of the 720's and 730's, which was led by the papacy and centered around the issues of papal separation from Byzantium, Italian resistance to imperial taxation and iconoclasm, and maintenance of local autonomy. See Miller, 'The Roman Revolution', *passim*.

9 Though not directly governed by Ravenna's exarch, the Pentapolis formed a single society and culture with the exarchate (Guillou, *Régionalisme*, pp. 43-76). For geographical details, see Diehl, *L'administration byzantine*, pp. 59-63.

10 The Amerina ran from Rome through Perugia and into the Pentapolis. After passing Eugubium (Gubbio), it joined the Via Flaminia. The latter went northeastward through Ad Caletum (Cagli) to Fanum Fortunae (Fano) on the coast. The Flaminia then turned north along the coast as far as Ariminum (Rimini). To Ravenna, one took the Via Popilia from Rimini.

11 By the late 740's the imperial officer for the duchy and city — the *patricius et dux* — was clearly dependent upon the pope (A. Crivellucci, 'Stefano patrizio e duca di Roma', *Studi storici* 10 (1901) 123). See also Miller, 'The Roman Revolution', 112-13 and n. 87.

Byzantine places and subordinating the duchies of Spoleto and Benevento.¹² By 727 he had taken most of the exarchate west of the Aemilian Way and a small southeastern corner of the Pentapolis next to the Adriatic and astride the Via Flaminia Antiqua (Old Flaminian Way) which ran from the Pentapolis into the duchy of Spoleto and ultimately to Spoleto itself after connecting with the Via Flaminia at Nuceria (Nocera).¹³ Apparently from this Pentapoline base, Liutprand in 728 moved into Spoleto and won control of both it and Benevento.¹⁴ The duchies became autonomous again after Liutprand's death, but a point had been made for the future: it was possible for the crown to dominate the Lombard south via the Old Flaminian Way path from the southern Pentapolis into Spoleto. In resisting Liutprand's advances, both the threatened dukes and the chief imperial officer in Italy, the exarch of Ravenna, looked to the papacy for help.¹⁵ The popes, while often enjoying good relations with Liutprand, also feared that Rome and its duchy were menaced by the royal expansion.¹⁶ They furthermore worried that Liutprand's conquests would cut off Rome's support from the exarch, deny direct contact with Constantinople via Ravenna, and end papal connection with the important churches of Ravenna's archdiocese.¹⁷ Collaboration of the papacy

12 G. Pepe, *Il medio evo barbarico d'Italia*, 4th edition (Turin, 1959), p. 204; L. M. Hartmann, *Geschichte Italiens im Mittelalter*, 2 vols. (Gotha, 1897-1903), 2/2.86-87, 126; Hodgkin, *Italy and Her Invaders* 6.457; and D. H. Miller, 'Papal-Lombard Relations during the Pontificate of Pope Paul I: The Attainment of an Equilibrium of Power in Italy', *Catholic Historical Review* 55 (1969) 359 n. 1.

13 Paul the Deacon, *Historia Langobardorum*, ed. L. Bethmann and G. Waitz (MGH SS rer. Lang. et Ital. saec. VI-IX; Hanover, 1878), pp. 181-82; *Vita Gregorii II, Liber pontificalis* 1.405. Of the Pentapoline conquests, only Auximum (Osimo) is named. However, a papal letter from the 750's specifies them as Auximum, Ancona, and Umana (Numana) (*Codex Carolinus*, ep. 11, p. 506). The principal conquests along the Aemilian Way well to the northwest were Bononia (Bologna), Forum Cornelii (Imola), and Faventia (Faenza) (Paul the Deacon, *ibid.*, p. 181; *Vita Gregorii II*, p. 403; and *Codex Carolinus*, ep. 11, p. 506). Liutprand in these conquests may have posed as a leader of the Italian revolt against the empire (R. Cessi, 'La crisi dell' esarcato ravennate agli inizi dell' iconoclastia', *Atti del Reale Istituto Veneto di scienze, lettere ed arti* 93 (1933-34) 1678-79).

14 Duke Transamund of Spoleto and Duke Romuald of Benevento both had to swear obedience to the monarchy (*Vita Gregorii II*, p. 407). Later, in 739, Liutprand deposed Transamund and replaced him with a royal appointee, Hilderic (*Vita Zachariae, Liber pontificalis* 1.421 and Paul the Deacon, *Historia*, p. 184). When Romuald died c. 739, Liutprand was able to install his own nephew, Gregory, as duke (Paul the Deacon, *ibid.*).

15 Transamund of Spoleto after his deposition and Godescalc of Benevento, who succeeded Gregory, both used the pope to advantage.

16 Each pontiff of the period — Gregory II (715-731), Gregory III (731-741), and Zachary (741-752) — was deeply concerned with the safety of the duchy. Gregory II and Zachary protected it through encouragement of general peace in north and central Italy and negotiated settlements with Liutprand. Gregory III was more militant, using anti-Lombard forces in the exarchate to weaken Liutprand there and opposing him in Spoleto through support of the deposed Transamund. He also sought but failed to enlist Frankish intervention against him.

17 Here the road connections between Rome and Ravenna indicated in n. 10 above were vital.

with imperial authorities on the Adriatic was thus natural.¹⁸ It was also effective to the extent that the king was never able to complete his conquest of the exarchate and had trouble maintaining his ascendancy in Spoleto and Benevento.¹⁹ As noted, the duchies slipped away at the end of the reign. Then, in 749, Pope Zachary kept Liutprand's successor, Ratchis (744-749), from taking Perugia.²⁰ Ratchis thereupon abdicated, bringing his brother, Aistulf, to the throne. Thus matters stood at Aistulf's accession in 749: the crown had not yet gained all of the imperial territories, nor had it permanently yoked the great southern duchies; but the route to the latter from the southern Pentapolis was still in royal hands.

Aistulf devoted himself to completing the creation of a Lombard Italy which had been begun by Liutprand.²¹ In 749 he seized Comacchio and Ferrara in the exarchate,²² the former north of Ravenna on the coast and the latter well inland near the northern border with the Lombard kingdom.²³ By mid-751 Aistulf had captured Ravenna itself.²⁴ Probably at about the same time he also took Forum Livii (Forlì), Forum Popilii (Forlimpopoli), and Cesena,²⁵ all of which were

18 This was the case despite the papal-imperial conflict. For detailed examinations of the complex political doings, see Bertolini, *Roma di fronte a Bisanzio*, pp. 423-89; idem, 'Le relazioni politiche di Roma con i ducati di Spoleto e di Benevento nel periodo del dominio longobardo', *Scritti scelti di storia medioevale* 2 (Livorno, 1968), pp. 681-92; idem, 'I papi e le relazioni politiche di Roma con i ducati longobardi di Spoleto e di Benevento', *Rivista di storia della chiesa in Italia* 9 (1955) 1-57; Hartmann, *Geschichte Italiens*, pp. 86-156; H. Hubert, 'Etude sur la formation des états de l'église. Les papes Grégoire II, Grégoire III, Zacharie et Etienne III et leurs relations avec les empereurs iconoclastes (726-757)', *Revue historique* 69 (1899) 1-40; Llewellyn, *Rome in the Dark Ages*, pp. 199-206; and Miller, 'The Roman Revolution', 101-13.

19 Two examples will suffice. Gregory III stirred a Venetian repossession of Ravenna after Liutprand had captured it c. 732-734; see Johannes Diaconus, *Chronicon Venetum*, ed. G. H. Pertz (MGH SS 7; Hanover, 1846), p. 12; *Epistolae Langobardicae collectae*, ed. W. Gundlach (MGH Epistolae 3; Berlin, 1892), epp. 11 and 12, p. 702. And, Gregory's support of Transmund kept Spoleto turbulent for several years.

20 Zachary personally rushed to Perugia and persuaded Ratchis to abandon his siege (*Vita Zachariae*, pp. 433-34).

21 There is wide agreement on this point: A. Gasquet, 'Le royaume lombard; ses relations avec l'empire grec et avec les Francs', *Revue historique* 33 (1887) 80: Aistulf '... reprit tous les projets de Liutprand et visa ouvertement à la domination de l'Italie'; L. Halphen, *Charlemagne et l'empire carolingien*, 2nd edition (Paris, 1968), p. 29: 'Comme naguère au temps de Liutprand, une seule chose allait compter aux yeux du nouveau roi: achever coûte que coûte à son profit l'unification de l'Italie'; A.-M. Jacquin, *Histoire de l'église* 2 (Paris, 1936), p. 562: '... reprenant les grands projets de Liutprand, il visait à soumettre l'Italie entière à sa domination.' Such statements as these may, however, be misleading in that it is not positive that Aistulf wanted Rome as part of his kingdom. See below, pp. 200-203.

22 *Chronicon Salernitanum*, p. 4.

23 Aistulf also seized Istria, the Byzantine territory across the Adriatic from Ravenna (*ibid.*).

24 This is clear from Aistulf's issuance of a charter in Ravenna in July 751; see *Codice diplomatico longobardo*, ed. C. Troya, 4 (Rome, 1855), p. 382.

25 The documentation here is indirect. The sources do not specify any such conquests. But in 756, after the failure of his siege of Rome, Aistulf was forced to surrender them to the papacy (*Vita*

located on the Via Aemilia and, when joined with Liutprand's earlier acquisitions, gave control of that important road across the whole of the exarchate and linked his kingdom directly with the northeast corner of the Pentapolis. In the latter region Aistulf appropriated Rimini, Conca (La Cattolica), Pisaurum (Pesaro), Fano, and Sena Gallica (Sinigaglia) along the Via Flaminia and Old Flaminian Way.²⁶ These conquests gave Aistulf a clear passage from his kingdom through the Pentapolis to Liutprand's old territory in the Pentapoline southeast — and into Spoleto.²⁷ In addition, the king moved west and south along the Via Flaminia and the Via Amerina, seizing Cagli and Luceoli (Cantiano) on the former and Gubbio on the latter.²⁸ Aistulf now controlled movement to and from Rome as far as Perugia, but, more importantly, he had gained a second entry into Spoleto — this one by the Flaminian Way which veered into Spoleto near Cagli. The territory and communications of both the exarchate and the Pentapolis were thus in Aistulf's hands, and he possessed at least two avenues into the Lombard south. It is no surprise, then, that when Duke Lupus of Spoleto died in late 751 Aistulf was able to assume the ducal powers,²⁹ resuming the royal sway in Spoleto lost since Liutprand's death. Benevento also, though less firmly, came into the king's sphere. There the death of Duke Gisulf II was followed by the accession of Gisulf's minor son — and by the introduction of strong royal influence.³⁰ The Lombard kingdom of Italy, in the making since the 720's, was a virtual reality.

In 751 or 752 Aistulf began to ravage land and seize fortresses in the duchy of Rome.³¹ The latter, of course, was strategically isolated by the royal successes between 749 and 751. The exarch was gone from the scene and Rome's road contact with the Adriatic went no further than Perugia. Spoleto and Benevento, both former papal allies, had been made dependent upon the crown. So ominous was the situation that Pope Stephen II (752-757) called upon Aistulf to accept a forty-year treaty of peace between Rome and Pavia. The king agreed,³² but the peace did not last. Stephen appealed to Emperor Constantine V to drive Aistulf

Stephani II, p. 454). Since they were not royal possessions at Aistulf's accession in 749 and since they were surrendered in 756, they were necessarily gained at some point in that period. The most likely time seems c. 751, for thereafter Aistulf's attention turned to the duchy of Rome and relations with the pope. See Duchesne, *Liber pontificalis* 1.460 n. 51.

26 The same methodology and reference applies here. Away from the roads he seized a number of other places.

27 See above, n. 13.

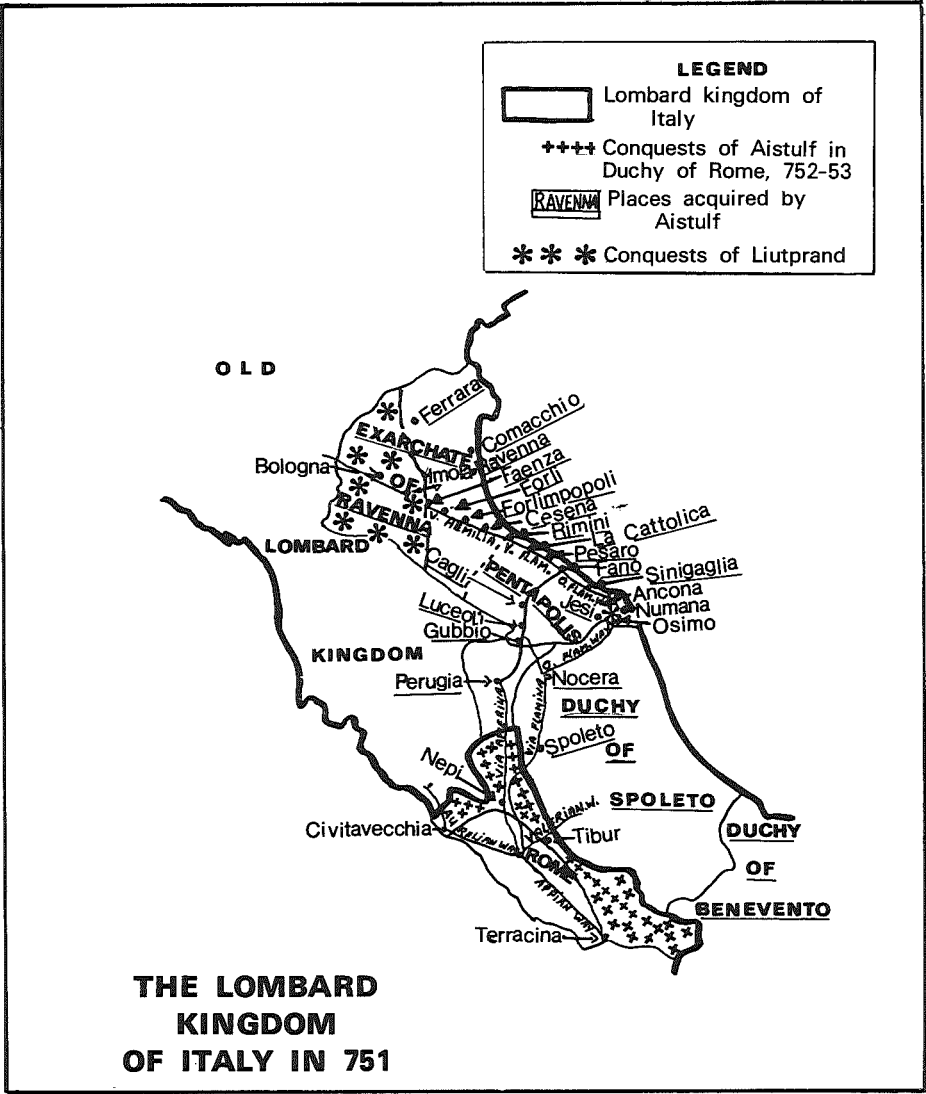
28 Same methodology and reference as utilized in n. 25 above.

29 Bertolini, *Roma di fronte a Bisanzio*, p. 499.

30 *ibid.*; Hubert, 'Etude sur la formation', 39 n. 3.

31 *Vita Stephani II*, p. 441. No place names are given.

32 *ibid.* See also *Pauli continuatio Lombarda*, ed. G. Waitz (MGH *SS rer. Lang. et Ital. saec. VI-IX*; Hanover, 1878), p. 217. The initiative in negotiating clearly belonged to the pope, but Aistulf was prompt to comply.



from the exarchate³³ and Aistulf followed in October 752 with threats to impose tribute upon the Romans and to compel them to accept his jurisdiction.³⁴ Early in 753 the king ostensibly prepared for a siege of Rome, occupying towns, fortifications, and roads in the duchy which were important to the city. Centucellensis (Civitavecchia) on the Aurelian Way northwest of Rome was taken from Lombard Tuscany; Nepete (Nepi) on the Via Amerina about twenty-five miles north of Rome fell; Aistulf himself seized Tibur, about ten miles east on the Valerian Way near the border with Spoleto; and Terracina on the Appian Way near the southern extremity of the duchy was ordered to cease all land and sea communication with Rome.³⁵ Aistulf was advancing in a multi-pronged attack extending in an arc from Civitavecchia to Terracina. About half of the duchy was lost and Rome was severely threatened.³⁶

In this crisis, Stephen II opened negotiations with King Pepin of the Franks and then conducted his famous late 753 embassy to Francia which produced the celebrated papal-Frankish alliance of 754.³⁷ The alliance had complex dimensions which went far beyond the relatively simple matter of Aistulf's menace to Rome.³⁸ But it had both considerable and direct bearing upon the Lombard-papal conflict itself. King Pepin accepted Stephen's novel assertion that the exarchate of Ravenna belonged to the papacy by promising to 'restore' it to papal possession.³⁹ By 'exarchate' Stephen meant both it and the Pentapolis, that is, the

33 *Vita Stephani II*, p. 442.

34 *ibid.*, p. 441. See also *Pauli continuatio Casinensis*, ed. G. Waitz (MGH SS. rer. Lang. et Ital. saec. VI-IX; Hanover, 1878), p. 199; *Pauli continuatio tertia*, ed. G. Waitz (*ibid.*), p. 209. The Cassino continuation says that Aistulf demanded one gold solidus from every Roman inhabitant. Some time after making the demands he threatened to massacre all Romans unless they accepted his power (*Vita Stephani II*, p. 442).

35 *Benedicti chronicon*, ed. G. H. Pertz (MGH SS 3; Hanover, 1839), p. 703. Apparently after these seizures Aistulf captured the *castellum* of Ceccano and besieged other places (*Vita Stephani II*, p. 444; *Chronicon Salernitanum*, p. 4). One consequence of the Roman incursion was to surround the duchy of Perugia with royal power, placing it and the Via Amerina from the duchy of Rome to Gubbio effectively in Aistulf's hands.

36 The royal operations had the appearance of an immense and direct attack upon Rome (Bertolini, *Roma di fronte a Bisanzio*, p. 521). See also Hodgkin, *Italy and Her Invaders* 7.180.

37 The principal source for the embassy and the arrangements associated with the formation of the alliance is *Vita Stephani II*, pp. 445-48. Modern literature dealing with the subject is vast.

38 Completion of the papal separation from Byzantium, establishment of a formal relationship between the papacy and the Frankish throne, and creation of a papal state in central Italy are examples.

39 Stephen first asked Pepin to agree to a peace treaty '... ut ... causam beati Petri et reipublice Romanorum disponderet' (*Vita Stephani II*, pp. 447-48). Then, 'Qui de praesenti iureiurando eundem beatissimum papam satisfacit omnibus eius mandatis et ammonitionibus sese totis nisibus oboedire, et ut illi placitum fuerit exarchatum Ravennae et reipublice iura seu loca reddere modis omnibus' (*ibid.*, p. 448). The meaning of the restitution has been much debated, but in all probability Stephen II regarded it as part of a novel political entity which he was seeking to create

conquests which Aistulf had made against the empire since his accession. At least this is what Stephen eventually received in 756 when Pepin's initial promise in Francia was deemed fulfilled. In addition, Pepin allowed the pope to give him and his sons a new title, *patricius Romanorum*,⁴⁰ among other things signifying that Pepin accepted protection of the papacy as a permanent responsibility and function of the Frankish kingship.⁴¹ The protection obligation was aimed squarely at the Lombards.⁴² In 755, after unsuccessfully seeking a negotiated settlement with Aistulf, Pepin crossed the Alps and attacked the former's kingdom.⁴³ Winning an easy victory,⁴⁴ the *patricius Romanorum* imposed a treaty upon Aistulf which or-

with Pepin's help, the *sancta Dei ecclesia res publica Romanorum*, a central Italian 'republic' of the church over which the pope would rule as sovereign (Miller, 'The Roman Revolution', 121-25). Miller argues that Stephen identified the republic with the Roman empire, the ideological culmination of the papacy's long process of separation from Byzantium (ibid., 124). For other major discussions on the nature of the republic, see E. Caspar, *Pippin und die römische Kirche* (Berlin, 1916); O. Bertolini, 'Il problema delle origini del potere temporale dei papi nei suoi presupposti teoretici iniziali; il concetto di "restituto" nelle prime cessioni territoriali (756-757) alla Chiesa di Roma', *Miscellanea Pio Paschini, Lateranum* 14 (Rome, 1948) 103-71; idem, 'Le prime manifestazioni concrete del potere temporale dei papi nell' esarcato di Ravenna, 756-7', *Atti del Istituto Veneto di scienze, lettere ed arti. Classe di scienze morali e lettere* 106 (1948); and idem, 'Gli inizi del governo temporale dei papi sull' esarcato di Ravenna', *Archivio della Società romana di storia patria* 89 (1966). Some authorities believe that Stephen convinced Pepin that the exarchate belonged to the Holy See by showing him a recently composed copy of the Donation of Constantine. See for example W. Ullmann, *The Growth of Papal Government in the Middle Ages. A Study in the Ideological Relation of Clerical to Lay Power*, 3rd edition (London, 1965), pp. 58-62; Halphen, *Charlemagne*, pp. 35-38; and Levillain, 'L'avènement', 234.

40 *Chronicon Moissiacense*, ed. G. H. Pertz (MGH SS 1; Hanover, 1826), p. 293; *Annales Mettenses*, ed. G. H. Pertz (ibid.), p. 332; *Clasula de unctione Pippini*, ed. W. Arndt and B. Krusch (MGH SS rer. Mer. 1; Hanover, 1884), p. 465.

41 An excellent delineation of this generally accepted view is Ullmann, *Growth of Papal Government*, pp. 67-68 and pp. 73-74. Miller ('The Roman Revolution', 127) asserts that Pepin's specific obligations as *patricius Romanorum* were to serve as military protector of the papal republic and repossess for St. Peter the lands illegally held by the Lombards. Pepin's promise to serve as military protector is carefully analyzed by P. E. Schramm, 'Das Versprechen Pippins und Karls des Grossen für die römische Kirche', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 27 (1938) 180-217. The view of Déer, Haller, Ohnsorge, and others that the *patricius Romanorum* title was an imperial grant in expectation of services to be rendered to the empire seems no longer tenable.

42 Two sources are very candid regarding the anti-Lombard character of the service as envisioned by the pope: *Fredегarii chronicon*, p. 104: '... Stephen asked for his [Pepin's] help against the Lombards and their king Aistulf, so that he might thereby be freed from their oppressions and double dealing. An end might thus be put to the tributes or gifts which, contrary to every right, they had been demanding of the Romans'; *Chronicon Moissiacense*, p. 293: '[Stephanus] Pippinum regem obsecrans ut se et populum Romanum de manu Langobardorum et superbi Haistulphi servitio liberaret.'

43 *Vita Stephani II*, pp. 449-50; *Fredегarii chronicon*, p. 104; *Chronicon Salernitanum*, pp. 6-7.

44 *Fredегarii chronicon*, pp. 104-106; *Vita Stephani II*, p. 450; *Chronicon Salernitanum*, pp. 7-8; *Annales Einhardi*, a. 756, ed. F. Kurze (MGH SS rer. Germ. Schol. 6; Hanover, 1895), p. 13. An excellent secondary account is Levillain, 'L'avènement', 272-80.

dered him to maintain peace with Rome and the Franks and transfer the city of Ravenna with its dependencies to papal jurisdiction.⁴⁵ The expectation was that Aistulf would promptly transfer all of his conquests in the exarchate and the Pentapolis, establishing what was now being called by the papacy the *sancta Dei ecclesia res publica Romanorum*. The Lombard assented to the treaty, but, after Pepin had withdrawn from Italy, disregarded it by failing to surrender even one of the required places.⁴⁶ Then, in January 756, he opened the great siege of Rome for reasons which we shall attempt to determine in this essay.

II

In keeping with the vague modern impression, it may be proposed first that Aistulf besieged Rome in order to incorporate the city into his expanded kingdom or at least to achieve nominal jurisdiction over it. This is an admittedly attractive view, for the royal aggressions against Rome from 752 to 756 do seem to reveal a consistent royal interest in obtaining some form of dominance over the city.⁴⁷

45 *Vita Stephani II*, pp. 450-51. This source also reports that Pepin took Lombard hostages and that Lombard nobles pledged the same oath of adherence to the treaty as Aistulf. See also *Annales Einhardi*, p. 13; *Annales Laurissenses maiores*, ed. F. Kurze (MGH SS rer. Germ. schol. 6; Hanover, 1895), p. 12; *Chronicon Moissiacense*, p. 293; *Chronicon Salernitanum*, p. 8; and *Fredegarii chronicon*, pp. 104-106. The Fredegar chronicle asserts that Aistulf recognized Frankish overlordship. This is perhaps an interpretation of the Moissac chronicle notice that Aistulf was required to pay Pepin an annual tribute of 5000 solidi as well as an immediate indemnity of 30,000 solidi.

46 *Vita Stephani II*, p. 451; *Codex Carolinus*, ep. 6, p. 489 and ep. 7, p. 492. The letters indicate that Aistulf resumed harassment of the Roman duchy before the end of 755. On this, see Duchesne, *Liber pontificalis* 1.459 n. 41. One authority argues that Aistulf did not violate the treaty by attacking the duchy in 755. He interpreted the requirement that he maintain peace with 'the Romans' to mean that he should not contend with the Roman empire, not that he should refrain from war with the people of the Holy City. Thus, the campaign of 755 was within Aistulf's rights (Bertolini, *Roma di fronte a Bisanzio*, p. 554). Bertolini also suggests that Aistulf had a convenient excuse for not giving up the exarchate-Pentapolis: Emperor Constantine had not ratified the treaty, and until he did so the Lombards could claim that they were not bound by its terms (*ibid.*).

47 It is a common assumption that Aistulf automatically turned against Rome after securing control of the exarchate-Pentapolis; see Duchesne, *Liber pontificalis* 1.456-57 n. 9: 'C'était maintenant le tour du duché de Rome Au bout de quelque temps, Astolphe, se sentant affermi dans la possession de Ravenne, commença à manifester ses prétentions sur Rome et son territoire'; Halphen, *Charlemagne*, p. 31: 'Ravenne était tombée aux mains d'Astolf au début de l'été 751, et dès l'année suivante Rome était menacée Astolf avait fait la sourde oreille'; Miller, 'Papal-Lombard Relations during the Pontificate of Pope Paul I', 361 n. 5: 'In this situation [the conquest of Ravenna] Rome was logically the next objective ...'; and, most recently, Miller, 'The Roman Revolution', 114: 'The free papal enclave of Rome, then, was logically the next objective. Hence in 751, Aistulf began his offensive against Rome.' Appraisals such as these have contributed to the impression that Aistulf wanted real or nominal sway over Rome in 756.

In October 752, after his conquest of the exarchate-Pentapolis and his subordination of the Lombard south had isolated Rome, Aistulf issued the threat to exact tribute from the Romans and to make them his subjects.⁴⁸ Only a few months later, in the spring of 753, he appeared to move toward a siege of Rome by seizing Civitavecchia, Nepi, Tibur and Terracina and by choking off major Roman thoroughfares.⁴⁹ Finally, in 756 after the conclusion of the Frankish interruption, he actually attacked Rome, so the papal sources say, with the aim of conquering it.⁵⁰ It thus evidently stands to reason that Aistulf was trying to bring to fruition a long-term project of making Rome an actual or theoretical component of his Lombard kingdom of Italy.

But was this in fact the case? At least one major consideration suggests that it was not: it may well be that neither the October 752 threats nor the 755 preparations for a siege were really manifestations of a sustained royal effort to include Rome in the Lombard state. Instead, the threats may have represented an attempt by Aistulf to harass Stephen II into neutrality toward the newly expanded kingdom. Here chronology is important. As noted earlier, Aistulf in 752 ravaged land and seized fortresses in the duchy of Rome after taking the Byzantine Adriatic and winning Spoleto and Benevento. He then readily accepted peace initiatives from Stephen II and agreed to the forty-year Lombard-Roman pact in June 752. Then came the October threats, evidently a royal betrayal of the peace, which was followed by Stephen's appeal to Emperor Constantine to drive Aistulf from the exarchate. But the *Vita Stephani* seems to indicate that Stephen had sought Constantine's help *before* the appeal, that is, while the June accord was in effect.⁵¹ The following reconstruction thus seems possible. Aistulf agreed to peace

48 Duchesne (*Liber pontificalis* 1.457 n. 11) sees the threats as pointing to a protectorate rather than to annexation. Miller ('The Roman Revolution', 114) also views the threats as demonstrative of Aistulf's desire for a protectorate: Aistulf regarded the peace of 752 as giving him the rights over Rome voiced in the threats. One scholar sees the threats as a decisive point in Aistulf's relations with the papacy; he became an enemy of Rome thereafter, breaking his peace with Rome by opening independent negotiations with the empire (O. Bertolini, 'Il primo "periurium" di Astolfo verso la Chiesa di Roma, 752-3' in *Miscellanea Giovanni Mercati* 5 (Studi e Testi 125; Vatican City, 1946), pp. 160-205).

49 As noted, these efforts have been viewed as a major threat to Rome's independence. See above, n. 36. Such opinions have also helped to shape the assumption that the 756 siege posed the same danger.

50 *Vita Stephani II*, p. 451: 'Omnia extra urbem ferro et igne devastans atque funditus demoliens consumsit, imminens vehementius hisdem pestifer Aistulfus ut hanc Romanam capere potuisset urbem.'

51 *ibid.*, p. 442: 'Tunc praelatus sanctissimus vir, agnito maligni regis consilio, misit regiam urbem suos missos et apostolicos affatos cum imperiale praefato misso, deprecans imperialem clementiam ut iuxta quod ei sepius exercitandis has Italiae in partes scripserat, modis omnibus adveniret et de iniquitatis filii morsibus Romanam hanc urbem vel cunctam Italiam provinciam liberaret.' The words 'agnito maligni regis consilio' refer to conversations which Aistulf had held

with Rome in June 752. He subsequently learned that Stephen was negotiating for imperial intervention against him. He therefore regarded Stephen as an enemy, broke the peace, and made the October threats. The threats were perhaps a maneuver to end what the king saw as a papal menace to his kingdom, not an authentic declaration of intent to subject Rome to his authority.⁵² The same may be true of Aistulf's 753 offensive against the towns and roads in the duchy of Rome in apparent anticipation of a siege. At the time of *these* hostilities, Stephen II was already negotiating with Pepin for the meeting which eventually produced the anti-Lombard developments of 754-755.⁵³ Perhaps anticipating that such developments would occur if the pope went to Francia, the king may have made the elaborate preparations for a siege in hopes of so menacing Roman independence that Stephen would seek to end the peril by proceeding no further with the Frankish project. If the foregoing judgments are correct, Aistulf's desire to annex or make a protectorate of Rome was not the outgrowth of a four-year effort but an interest of new vintage.

But this qualification may be insufficient, for it is quite possible that even in 756 Aistulf was not interested in acquiring either real or nominal control over the Holy City. Such a conclusion may be reached if one considers the fears which Aistulf was bound to have had regarding King Pepin because of the latter's connection with the papacy and his successful invasion of the Lombard kingdom in 755. Reflecting upon these realities, Aistulf probably imagined that even if he occupied Rome and proceeded to effect its annexation or obtain recognition of his suzerainty, Stephen II would nevertheless be able to persuade Pepin to attack the Lombards for the second time in two years.⁵⁴ Continuing the appeals which he had begun during the siege, the pope would say that St. Peter, his vicar, and his church and people were all at the utter mercy of the unspeakable Lombards and

with imperial envoys. It is the latter conversations which lead Bertolini to think that Aistulf broke the peace first. See above, n. 48.

52 Several times during the reign Liutprand had applied the technique of harassing the papacy in order to force curial neutrality toward his project of conquering the exarchate and subduing the dukes of Spoleto and Benevento. Aistulf was apparently following Liutprand's example in making the October threats.

53 *Vita Stephani II*, p. 444. Stephen began to request Carolingian aid because no help was forthcoming from the empire (*ibid.*). The *Vita Stephani* here refers to the appeals for imperial intervention against Aistulf which may have caused his disruption of the June peace. Stephen probably held out no real hope of Byzantine help and looked seriously only to King Pepin (Miller, 'The Roman Revolution', 114-15).

54 Aistulf clearly dreaded Pepin's reappearance: when he laid siege to Rome in 756 he did so in January, when snow in the Alpine passes would both block Roman communication with Francia and prevent passage of Frankish troops through them into Italy (Bertolini, *Rome di fronte a Bisanzio*, p. 558). On Lombard military weaknesses in relation to the Franks, see Katherine Fischer Drew, 'The Carolingian Military Frontier in Italy', *Traditio* 20 (1964) 439-40.

their terrible king. As *patricius Romanorum* Pepin must act again to rescue Rome and the church. The Frank might waver as he had before the 755 campaign; but eventually he would lead his army into northern Italy and, because of his superior military power, would be able to inflict new defeats upon the Lombards there. In such circumstances, no Lombard annexation or extorted suzerainty acknowledgment could be expected to endure. Thus, it seems reasonable to suppose that Aistulf saw the Franks as an insurmountable barrier to accomplishing a substantive or theoretical addition of Rome to his kingdom. If accurate, this assessment offers further grounds for doubting that either of the latter was the motive for the siege of 756.

The final and most important consideration raising such doubt is that a goal of annexation or acquisition of suzerainty seems improbable in light of the disastrous political conditions which faced Aistulf and his kingdom in 756. To begin with, as observed, Pope Stephen had in 754 prevailed upon King Pepin to guard Rome and the papacy against the Lombards as one of his *patricius Romanorum* duties. Thus, as just suggested, Aistulf had reason to think that if he took action against the pope and the Romans he could expect new Carolingian operations against him in Italy. This restriction was particularly damaging to him in that the treaty which Pepin had forced him to accept in 755 imposed terms which would result in the dissolution of the expanded Lombard kingdom if they were fulfilled. As noted, the treaty demanded Lombard surrender of the exarchate-Pentapolis to the papacy. If Aistulf actually transferred the area to curial jurisdiction, his enlarged state would cease to exist. Its crucial central portions, the exarchate and the Pentapolis, would be in papal hands; and, because of that situation, the kingdom would be split into two parts, the one being the northern regions centering around Pavia and the other the duchies of Spoleto and Benevento. Control of the duchies in the future would be difficult if not impossible, for to maintain it Aistulf would have to send his troops across the papal exarchate-Pentapolis, a naturally hazardous act in that it might well precipitate another Carolingian war in Italy in service of St. Peter. Such action was also probable if Aistulf simply attempted to regain the exarchate-Pentapolis from the papacy by force. Thus, when the 756 siege began, the king was in the midst of what was for him a great crisis. Simply put, the business before him in 756 was to preserve his kingdom from the dismemberment inherent in the 755 Pavia treaty and to counteract the new situation of Frankish interference with Lombard freedom of action in Italy stemming from the alliance between the Carolingians and the papacy. In such circumstances, the likelihood that Aistulf in 756 besieged Rome to secure rule or suzerainty over it seems remote indeed. The royal interest was salvation of the Lombard state, not augmentation of its territory.

III

It thus seems far from certain that Aistulf laid siege to Rome in order to make it a Lombard possession in one form or another. An alternative estimate of his motives therefore needs to be sought. One convincing argument might be that his intent was simply to punish Stephen II for his central role in bringing about the royal crisis of 755. In this view, Aistulf, consumed with rage, lost control of himself and made a wild lunge at Rome with no other goal in mind than inflicting some indefinite revenge upon the pope. This suggestion has the merit of being consistent with the portrait of Aistulf as a rampaging and devil-inspired enemy of the church which appears in the papal sources, the *Vita Stephani* and Stephen's letters to the Frankish court.⁵⁵ But nothing else recommends it. Unless appearances are totally deceiving, Aistulf always planned his anti-Roman maneuvers with care and had sound reasons for conducting them.⁵⁶ Moreover, in 756 he knew that the great crisis of the reign was at hand; it seems unthinkable that a leader of Aistulf's ability and experience would have met it with a passionate and irrational outburst rather than an action born of cold calculation.⁵⁷ Apparently, then, it is best to rule out a fit of royal rage as the inspiration for the siege of 756.

A much more appealing thesis is that Aistulf attacked Rome because such a blow was necessary to save himself from deposition by a party of militant anti-Roman Lombard nobles. A glance at the conditions preceding Aistulf's accession in 749 furnishes the necessary background. Aistulf's brother and predecessor, Ratchis, was markedly pro-Roman in his political sympathies.⁵⁸ At the outset of his reign he promised Pope Zachary that he would refrain from war in Italy for a period of twenty years 'because of reverence for the prince of the apostles'.⁵⁹ In so

55 Therein he is characterized as being 'pestiferous', 'treacherous', 'atrocious' and the like. Scholars have generally inclined themselves to acceptance of this sort of papal rhetoric as the truth, thereby letting the unfavorable eighth-century portrait of Aistulf survive into the present day. This one-sided judgment has, of course, contributed to the modern understanding that annexation of Rome was the intent of the 756 siege.

56 The 753 preparation for a siege of Rome is the best case in point. The systematic controlling of one town, road, and fortification after another betokens exact strategic and military planning. And, the apparent conception of the operation, a threat to Roman independence to dissuade Stephen II from arranging an alliance with the Carolingians, was no less sophisticated.

57 In this connection it should be remembered that Aistulf succeeded where even the able Liutprand failed: he created a Lombard kingdom of Italy.

58 L. Oelsner, *Jahrbücher des fränkischen Reichs unter König Pippin* (Leipzig, 1871), p. 116; L. M. Hartmann, 'Italy under the Lombards' in *The Cambridge Medieval History* 2 (New York, 1957), p. 215.

59 *Vita Zachariae*, p. 431: 'Ad quem missa relatione ipse beatissimus pontifex continuo ob reverentiam principis apostolorum et ejus precibus inclinatus, in XX annorum spatium inita pa-

doing he reversed the policy of the great Liutprand who had regularly waged war in search of a Lombard Italy and had harassed the papacy whenever the pope had ventured to oppose the project. Ratchis also gave donations to the papacy as often as they were requested.⁶⁰ In time, the king's Romanizing policy, especially its land-grant aspect, antagonized a number of Lombard nobles who were led by Aistulf, then a duke.⁶¹ Perhaps bowing to the disaffection of the malcontents, or perhaps trying to nullify their opposition, Ratchis finally in 749 resumed the suspended policy of aggrandizement by making his attack upon Perugia.⁶² Then, again showing his pro-Roman attitude, he put a stop to the campaign under pressure from Zachary to end the hostilities.⁶³ Several days later Ratchis abdicated.⁶⁴ The retirement seems easily explained: Ratchis was either unable or unwilling to maintain himself against the nobles who opposed the policy of accommodation with Rome.⁶⁵ Not unexpectedly, their leader Aistulf was elected king in July 749 soon after his brother's resignation.⁶⁶ The point here is that since Aistulf was the leader of the anti-Roman nobles, he was also to some extent their prisoner as the champion of their interests; conceivably, if he failed to serve the latter, the nobles would try to dispose of him as they had Ratchis.⁶⁷

There is no way of knowing whether the anti-Roman party lasted as a significant force after Aistulf's accession. But, assuming that it *was* still extant and influential in 755-756, its members were surely disaffected at that time because of the king's acceptance of the 755 Pavia treaty dictated by Pepin and Stephen II: Aistulf, having pledged adherence to the treaty, was submitting to the hated Roman enemy just as Ratchis had bowed to Zachary six years earlier. This circumstance was bad enough in itself. But it was especially distasteful in that the

ce' See also *Fundatio monasterii Sancti Salvatoris Montisamiati*, ed. G. Waitz (MGH *SS rer. Lang. et Ital. saec. VI-IX*; Hanover, 1878), p. 564.

60 *Benedicti chronicon*, p. 702.

61 *ibid.*

62 *Vita Zachariae*, pp. 433-34. Several Lombard sources repeat this statement virtually verbatim.

63 *ibid.*; *Pauli continuatio Casinensis*, p. 198.

64 *Vita Zachariae*, p. 434; *Chronicon Salernitanum*, p. 4.

65 Bertolini, *Roma di fronte a Bisanzio*, p. 497. One source implies that the nobles precipitated the abdication on the grounds that Ratchis would not further the basic Lombard project of Italian conquest (*Chronicon Salernitanum*, p. 4). Another says that the Lombard aristocrats' grievance against the king was his awarding of donations to the Romans (*Benedicti chronicon*, p. 703).

66 *Pauli continuatio Romana*, ed. G. Waitz (MGH *SS rer. Lang. et Ital. saec. VI-IX*; Hanover, 1878), p. 201; *Pauli continuatio tertia*, p. 208; *Benedicti chronicon*, p. 703. Aistulf was supported by at least a portion of the Lombard bishops and abbots prior to his election (*Benedicti chronicon*, p. 703).

67 One scholar infers that Aistulf's conquest of the exarchate-Pentapolis and his anti-Roman activity of 752 and 753 stemmed from his obligations to the reaction against Ratchis (Miller, 'The Roman Revolution', 113-14).

submission involved royal surrender of Lombard territory — the exarchate-Pentapolis — to the Romans. The agitated nobles may have told Aistulf that they would endeavor to depose him forthwith unless he ignored the treaty and took strong measures against Rome in token of its repudiation. Fearing the noble threat, and knowing that his stock was already low among them owing to his defeat by the Franks, Aistulf perhaps responded as they wished by ignoring the treaty and laying siege to Rome.

There are two apparent difficulties with this reconstruction. First, it is not at all certain that Aistulf had to worry about rebellion by anti-Roman extremists as late as 755-756. Quite conceivably their disaffection ended with his accession and never reappeared owing to his several demonstrations of hostility towards the Romans. If so, the supposition that the siege of 756 was Aistulf's way of maintaining his throne against internal opposition has no basis in fact. The second reservation is that, as will be shown below, Aistulf had good reasons of his own for undertaking the siege and none of them were particularly related to the noble pressure, if it existed. This assessment does not mean that the aristocratic problem was inconsequential; it rather suggests that even if the danger was a reality and serious, it was not necessarily responsible for the decision to undertake the siege. A noble threat may well have affected the timing of the encirclement, causing Aistulf to begin it in January 756 instead of at some later time. But, having his own reasons for attacking Rome, he probably did not begin the siege itself with fear of deposition as his primary concern.

IV

Another explanation for the siege is that which is explored below as the principal concern of the study: Aistulf sought to capture Rome so that he would be in a position to have Stephen II alter the unfavorable circumstances confronting the crown in 756 and thereby deny the impending dissolution of the Lombard kingdom of Italy. In more detail, with both Rome and the pope in his hands, Aistulf would have Stephen modify the papacy's alliance with the Franks so as to remove its anti-Lombard features. He would also have Stephen terminate his claim that the exarchate-Pentapolis belonged to the papacy and have him accept instead a royal gift of a substantial portion of those territories, a gift which would establish a sizeable papal 'republic' but also leave the crown in possession of strategic ground sufficient for maintenance of access to and hence control over the duchies of Spoleto and Benevento. Finally, Aistulf would have Stephen agree to a Lombard-Roman treaty calling for a long-term peace between Pavia and Rome. The treaty would constitute both a substitution for the disastrous 755 treaty and public commitment of both parties to the alterations arising from the successful siege. But there was no thought of permanent occupation. Rome and

the papacy were to have complete freedom from the monarchy in the new conditions. In those conditions would lie what Aistulf desired most: preservation of the Lombard kingdom of Italy.

There are, of course, serious problems in substantiating this argument, the basic difficulty being that Aistulf never actually captured Rome and in that failure was never able to reveal his intentions. The historian can only estimate those intentions, and that is what is attempted here. There is no thought of advancing sure conclusions. But even estimation is hazardous, for interpretation of the royal intentions must rest largely upon circumstantial evidence, and that without the guidance of accompanying scholarly comment. The latter, as we have seen, is of dubious value. Furthermore, to a considerable extent the estimation must involve pyramiding assumptions, a dangerous pursuit if they are wrong at any point, as may be the case here. We are engaged, then, in a speculation, a probe whose conclusions must be tentative but also may prove sufficiently grounded and provocative as to warrant respect and debate. One final caution is to be observed: the estimation is made exclusively from Aistulf's perspective, an appraisal of his intentions as *he* would have formulated them, given the conditions of the time as he knew and interpreted them relative to his own position and past accomplishments. This admonition is crucial when it comes to judging the practicality of Aistulf's intentions. Whether the pope thought that they were practical or whether we do is beside the point; what matters is whether Aistulf deemed them useful. Aistulf conducted the siege of 756 and we should attempt to discern why he did so, in his own terms.

The first point to be made is the general but basic one that Aistulf in 756 wanted to have Stephen II nullify the damaging conditions of 754-755. Almost certainly the king had this firmly in mind because it was the only way in which there was hope of saving his kingdom from dissolution. The latter could not be prevented simply by retaining the exarchate-Pentapolis in defiance of the 755 treaty, for sooner or later Stephen II would surely be able to persuade the *patri-cius Romanorum* to make the Lombards turn it over to St. Peter. Nor, for the reasons discussed earlier, could Aistulf think that annexation of Rome or some variation thereof was any solution to his plight. There was no alternative but to remove the circumstances threatening his kingdom, and that could be effected only by having them changed to royal satisfaction by Pope Stephen — the figure who had done so much to create them in the first place.

In supporting the particulars of the hypothesis it is argued first that Aistulf wanted Stephen to delete the anti-Lombard components of the papal-Frankish alliance. This judgment seems tenable in that Aistulf undoubtedly regarded those components as the root of many of his difficulties and saw their removal as a key to overcoming them. He certainly knew that Pepin had been persuaded by the

pope that part of his obligation as Roman patrician was to 'protect' Rome and the papacy against the Lombards. Moreover, hard experience had taught him that it was in this understanding that Pepin had made the invasion of 755 and had insisted upon the treaty requiring royal surrender of the exarchate-Pentapolis to the papacy. Finally, he unquestionably believed that because of the *patricius Romanorum* arrangement the pope would be able to generate new Frankish campaigns in the Lombard kingdom and obtain Carolingian diplomatic assistance harmful to the monarchy if such action was deemed necessary. But, Aistulf could have reasoned, if Stephen could be brought to notify Pepin that the *patricius* office no longer required service against Pavia, Frankish arms and diplomacy would again be unknown in Italy. It should not be thought that Aistulf desired termination of the alliance itself. He was, it must be assumed, unconcerned with its function in matters which had little or no bearing upon the safety of his kingdom, that is, in such areas as reform of the Frankish church, furtherance of the Benedictine mission upon the frontiers of Francia, and the development of the Roman church there as well as in the Frankish interior. Presumably, what he wanted was papal indication to Pepin that his 'protection of the papacy' responsibility was henceforth to be exercised without regard to the Lombard king and his activities in Italy. If such an indication was made, and if Pepin acceded to the modification, Aistulf could look forward to maintenance of his expanded kingdom as the 755 treaty was nullified. In sum, modification of the papal-Frankish alliance was so much to Aistulf's advantage that it is difficult to believe that he did not plan to have Stephen II order it after Rome fell.

Aistulf was certainly perceptive enough to know that Stephen would be most reluctant to restructure the alliance. Here it is important to try to ascertain what Aistulf thought Stephen valued in the alliance. Conditioned as he was by recent events, Aistulf presumably grasped Stephen's perceptions as follows. The papal republic consisting of the duchies of Rome and Perugia and the exarchate-Pentapolis, a matter of paramount importance to St. Peter, is not yet in being because the perfidious Lombard has failed to transfer the territories which he ceded in 755; only renewed action by Pepin as *patricius Romanorum* against Aistulf can secure them and breathe life into the republic. For this reason alone Pepin must be retained in his anti-Lombard role. But there are other compelling reasons for that. Once created, the republic cannot be safe from Aistulf unless Pepin and his heirs continue as its protector. In particular, it is clear that Aistulf is determined to have Rome itself as part of his kingdom and hopes to put the papacy itself under royal jurisdiction. Again, only Pepin as a specifically anti-Lombard protector can provide the necessary shield. The alliance must go on in unaltered form. Such, we think, was approximately Aistulf's understanding of Stephen II's view of Pepin's role within the alliance vis-à-vis the Lombard monarchy: Pepin had to remain an enemy of the monarchy on behalf of St. Peter.

In reality, of course, Stephen entertained a much wider range of thought, but our concern is with Aistulf, who could have known little of it. Of only one thing was he certain in 756 as the siege began and developed: Stephen would be most loath to modify the alliance even when he and Rome were both in Lombard hands.

But, as observed earlier, Aistulf saw his situation as desperate. For him in 756 the issue was preservation of his expanded kingdom, the fruit of all his labors since his accession. It thus seems reasonable to believe that he would have been unwilling to accept the inevitable negative reply from Stephen when the latter was told after the fall of his city to render the *patricius Romanorum* harmless to Pavia. What could Aistulf introduce to induce Stephen to change his mind, to comply with the royal wishes? Some may want to envision harsh pressures from the king. Aistulf could threaten Stephen with bodily harm, or he might subject him to vigorous verbal abuse, of which, the papal sources assert, he was fond. Or, Stephen could be imprisoned and threatened with deposition. He could even be deported to Pavia, where the humiliation of exile might bring him quickly to submission. Such options may have entertained Aistulf briefly, but it is doubtful that he ever took them seriously. He was no savage and was a Catholic who is apt to have thought maltreatment of the pope both repugnant and a danger to his soul.⁶⁸ Besides, each of these courses would tend to raise more problems than they solved, particularly regarding Pepin. The latter might well voluntarily aid Stephen once he saw that Aistulf was as much a menace as the pope had earlier reported. The politically astute Aistulf surely knew that abuse was not the right way to bring Stephen II to modification of the alliance. The inducements would have to be both constructive and generous.

Keeping in mind Aistulf's likely grasp of what Stephen considered important about the alliance and about papal aims relative to Pavia, the royal plan to achieve alteration of the alliance could well have been as follows. Rome taken, Stephen would be placed in royal custody and told to order Pepin to perceive of his *patricius* office as having no Lombard function at all. After Stephen refused to comply, Aistulf would respond not in anger or force, but with major concessions, or what would appear to Stephen as such, designed to be so appealing that they could not be refused, or at least Aistulf hoped. First, Aistulf would promise immediate transfer to St. Peter of all places claimed by the papacy in the exarchate-

68 The assessment of Liutprand, Aistulf, and Desiderius by Gasquet ('Le royaume lombard', 74) is helpful in this regard: 'Les rois lombards ne sont pas les monstres que nous dépeint la correspondance des papes; ils ne le cèdent à aucun des princes de leur temps pour la bravoure, l'intelligence politique, leur attachement à la foi catholique Ils semblaient tout naturellement désignés comme les successeurs éventuels des exarques, et ne pouvaient prévoir les prétentions rivales de la Curie romaine. Vaincus par les alliés que la diplomatie des papes suscita contre eux, ils ont porté dans l'histoire la peine de leur imprévoyance et de leur défaite; ils ont été à la fois vaincus et calomniés.'

Pentapolis west of a line formed by the Via Aemilia, the Via Flaminia, and the Old Flaminian way as far as Osimo at the Pentapoline border with the duchy of Spoleto: Sussubium (Castro Cara), Bobium (Sarsina), Mons Feltri (San Leo), Urbinum (Urbino), Aesium (Jesi), Luceoli, Cagli, and Gubbio. Since it was west of the line, the duchy of Perugia would also be ceded. These places, when joined to the duchy of Rome, would give the papacy a much expanded territory and control of the Via Amerina and Via Flaminia from Rome to Fano on the Adriatic. Aistulf would retain the road connections from the old Lombard kingdom to the duchy of Spoleto at Osimo and the strongholds necessary to hold the route: Forlì, Forlimpopoli, Cesena, Rimini, La Cattolica, Pesaro, Fano, Sinigaglia, and Osimo. Ravenna would also remain in royal hands, as would the conquests of Liutprand in the exarchate (Bologna, Imola, and Faenza) and in the Pentapolis (Ancona and Numana).⁶⁹ In this arrangement, Aistulf would be able to maintain royal dominance of Spoleto and Benevento while at the same time going far toward meeting Stephen II's demand for creation of a papal republic composed of former Lombard territory. But Aistulf would go further: he would also promise to withdraw his troops quickly from the duchy of Rome and Rome itself and pledge assurance that Rome, the new papal republic, and the papacy would all remain free of the Lombard kingdom. Stephen's concerns as perceived by Aistulf — creation of the papal republic, its safety once in existence, independence for Rome, and autonomy for the papacy — would all be met in substantial degree. To Aistulf, the pope, expecting the worst after the capture of Rome, would find the concessions highly tempting. He would ponder all the complexities of the problem, measuring the prospect of great immediate gains against the present crisis and a difficult future. In the end, Aistulf probably hoped, Stephen would opt for the royal concessions and obvious good will, agreeing then to set about ending Pepin's anti-Lombard function.

If Aistulf believed that Stephen could be so swayed, he must also have thought that Pepin could be persuaded to accept papal revision of his patrician service. That seems likely for several reasons. First, Aistulf could easily have seen Pepin as a reluctant papal ally, essentially disinclined to come to Italy or make an enemy of Pavia. Three times had Pepin sent embassies to Aistulf in search of a negotiated settlement before crossing the Alps in 755, each time offering substantial bribes.⁷⁰ Next, Aistulf was entitled to view Pepin's action in the 755 campaign as somewhat perfunctory: Pepin defeated the Lombards but appeared anxious to accomplish his Italian commitment as quickly as possible and without permanent entanglement in Italian politics. He did take hostages and require an

⁶⁹ See above, p. 194 and n. 13.

⁷⁰ *Vita Stephani II*, p. 449.



indemnity betokening Frankish suzerainty over the Lombard monarchy; and Lombard nobles were made to swear adherence to the treaty.⁷¹ But there was nothing else. No Frankish troops remained behind to occupy the Lombard kingdom until the treaty terms were fulfilled. Nor was an effort made to help Stephen II actually secure the places to be transferred to St. Peter.⁷² If given a choice, Aistulf could have thought, Pepin would prefer no deeper Italian commitment. Moreover, Aistulf must have reflected that war between Lombards and the Franks was unnatural in the eighth century. Indeed, the relationship between the two powers had been exceptionally good. Pepin's father, Charles Martel, and Liutprand had been very close allies, the Lombard aiding the Frank in Septimania against the Saracens.⁷³ Charles and Liutprand also had been brothers-in-law, as both leaders were married to daughters of the duke of Bavaria,⁷⁴ and Pepin himself had been made Liutprand's adoptive son.⁷⁵ There had thus been no surprise when Charles in 739 and 740 turned a deaf ear to appeals from Pope Gregory III for Frankish aid against Liutprand.⁷⁶ No wonder Pepin had appeared both reluctant and perfunctory in his support of the pope, Aistulf could have thought: he is going against the grain of something approaching a tradition of Frankish-Lombard harmony. There was one other consideration: Aistulf knew full well that there were at least some Frankish nobles who had opposed Pepin's campaign into Italy.⁷⁷ They might be more persuasive in the future. Such, then, may have been Aistulf's view regarding the degree of King Pepin's hostility toward Pavia: he was a reluctant papal ally, disinclined toward deeper Italian involvement, worried about violating Lombard-Frankish friendship, and perhaps exposed to internal resistance on the Italian question. It seems quite possible in this light that Aistulf

⁷¹ See above, pp. 199-200 and n. 45.

⁷² This contrasts sharply with events after the treaty of 756. Then Pepin took care to have Frankish officers and troops help the pope gain official transfer of the claimed places. See below, p. 219 and n. 95.

⁷³ Paul the Deacon, *Historia*, p. 183.

⁷⁴ *ibid.*, pp. 179-80.

⁷⁵ *ibid.*, p. 183.

⁷⁶ Gregory's appeals are found in *Codex Carolinus*, epp. 1 and 2, pp. 476-79. They occurred in the context of Gregory's militant defense of the Roman duchy. See above, n. 16.

⁷⁷ The opposition is reported in *Einhardi vita Karoli*, ed. G. H. Pertz (MGH SS 2; Hanover, 1829), p. 446. Aistulf evidently knew of it, for he sent Pepin's brother, Carlomann, who had abdicated his share of the Frankish throne to become a monk at Monte Cassino, to try to delay Pepin's invasion (*Vita Stephani II*, pp. 448-49). The opposition and its relationship to Pepin's first Italian campaign is discussed in D. H. Miller, 'The Motivation of Pepin's Italian Policy, 754-768', *Studies in Medieval Culture* 4 (1973) 44-54. Pepin's principal reason for collaborating with Stephen II in 753-754 may have been to check opposition to his sole rule in Francia after the abdication of Carlomann (R. Holtzmann, *Die Italienpolitik der Merowinger und des Königs Pippin*, 2nd edition (Darmstadt, 1962), pp. 25-38).

thought an order from Stephen to Pepin calling upon the latter to terminate his anti-Lombard posture and function would be accepted, even with enthusiasm.⁷⁸

Some other problems remain to be considered. Most important is the assertion that Aistulf was willing to give up certain of his exarchate-Pentapolis places to the pope while keeping others for himself. As emphasized earlier, Aistulf had to have a connection between the old kingdom and the duchies of Spoleto and Benevento if the new Lombard kingdom of Italy was to survive — and its survival we have established as Aistulf's primary concern in 756. The only such connections existed through the exarchate and the Pentapolis, the first by the Via Aemilia, Via Flaminia, and Old Flaminian Way and the other by the Via Aemilia and the Via Flaminia. At least one of the two had to be kept if the kingdom of Italy was to live. But which one? Needing concessions to lure Stephen into a general settlement of the sort envisioned in this speculation, Aistulf presumably knew that he would have to meet the papal interest for a state at least part way, that is, give up some significant amount of the exarchate-Pentapolis. That part would have to be directly contiguous with the other papal holdings, the duchies of Perugia and Rome, for Stephen, like Aistulf, would not be apt to accept a divided territory. The two interests — the papal calling for significant territorial concession and contiguity, and the Lombard calling for access to the duchy of Spoleto — could only be met by Aistulf's giving the pope everything west of the Aemilian, Flaminian, and Old Flaminian Ways and by his keeping those thoroughfares and their strongholds, namely Forlì, Forlimpopoli, Cesena, Rimini, La Cattolica, Pesaro, Fano, and Sinigaglia.⁷⁹

What of the assertion that in Aistulf's sight the Adriatic grants would suffice to induce Stephen's co-operation? First, Aistulf would be going far toward meeting what he understood was desired by the pope, establishment of a papal republic reaching from Rome into the exarchate and the Pentapolis. Because of the transfer, the papacy would newly acquire the duchy of Perugia, nearly all of the Pentapolis, and about half of the exarchate, a sudden and vast territorial growth. True, Stephen would possess neither the whole of the exarchate-Pentapolis nor the city of Ravenna. But, Aistulf could have reasoned, the papal

78 It bears emphasis that this may have been *Aistulf's* perception. Pepin's was surely drastically different, as has recently been shown in Miller, 'The Motivation of Pepin's Italian Policy'. Miller contends that Pepin was voluntarily strong and unwavering in his support for the papal-Frankish alliance, and finds the roots of this support in Pepin's sympathy for the papacy arising primarily from the missionary, reform, and political efforts of St. Boniface and his associates.

79 These places were all specifically ceded to St. Peter by Aistulf in 756 after the failure of the siege and Pepin's second campaign (*Vita Stephani II*, p. 454). The towns were thus well enough known to both parties a few months earlier for Aistulf to think that he could propose a specific division of the exarchate-Pentapolis as that posited here.

claims upon both were so new in 755⁸⁰ that the pope would be willing to sacrifice some places in favor of actually gaining others.⁸¹ Second, the concessions in the Pentapolis would involve a major royal setback and might prove appealing to Stephen on that score alone as well as an indication of genuine royal inclination to yield to papal interests. The setback would be serious: loss of the monarchy's most direct route from the old kingdom to the city of Spoleto. The Via Flaminia from Fano to the Spoletan border would lie in papal territory; Aistulf would be reduced to having only the more difficult route along the Old Flaminian Way from Fano to Nocera and thence to Spoleto along the Flaminian Way. The modern scholar may seriously doubt that Stephen would have accepted the transfer envisioned here.⁸² But the king had a necessarily limited view of the papal designs,⁸³ and, because of that, could easily have believed that the pope would see great gain in the offer, enough to push him into compliance with the rest of the proposed settlement.

There appears to be little difficulty in sustaining the claim that Aistulf planned to assure Stephen of Lombard withdrawal from Rome and its duchy. If the previous evaluations are correct, Aistulf never anticipated keeping Rome in the first place. He would thus actually surrender nothing to the pope, although he probably wanted him to believe that a major royal concession was involved. More significantly, the withdrawal would constitute a demonstration of good faith and a practical guarantee that the new papal republic to be created by Aistulf's concessions would actually come into being. With Lombard troops gone from Rome and its environs, Roman forces would be free to repossess the duchy's fortresses and reclaim the Amerina. That accomplished, Stephen could easily occupy the duchy of Perugia and the ceded portions of the exarchate-Pentapolis. Finally, the

80 While the papal republic had its roots in the actions of Gregory II and Gregory III (Miller, 'The Roman Revolution', 121), it was clearly a novelty of Stephen himself, a radical departure from previous eighth-century patterns of papal development. Only Stephen II envisioned a coherent papal state governed by the pope as sovereign.

81 In other words, given his failure to obtain the whole exarchate-Pentapolis in 755, Stephen might seize upon a hard promise of some of it, either abandoning the rest of it altogether or waiting for a later opportunity to acquire it.

82 It is becoming clear that the papal republic was intimately associated with the eighth-century papal process, at once ideological and practical, of separating the papacy from the Byzantine empire, relocating the Roman empire in central Italy, and redefining the parameters of Christian society. See especially Miller, 'The Roman Revolution', 119-32. Simply put, Stephen could not have accepted only part of the exarchate-Pentapolis; his needs required all of what Aistulf had taken from Byzantium.

83 It seems highly unlikely that Aistulf could have known very much of the complex business in which Stephen was engaged. Even Pepin was unsure, and had to be instructed carefully, as is indicated by *Codex Carolinus*, epp. 6-10, pp. 488-503. The letters were written during Aistulf's siege, suggesting that even after about three years of close association with Stephen, Pepin needed guidance as to the nature of his obligations to the papacy and of the papal state.

withdrawal would liberate Rome itself from the royal menace, something obviously desired by Stephen ever since the failure of the June 752 peace.⁸⁴ Aistulf apparently had good reasons indeed for promising to evacuate Roman territory, enough at least for us to imagine that the offer would indeed be made after Rome had fallen.

One must also ask whether Aistulf really needed to capture Rome to secure what he desired from the pope. That is, could he not have made the transfer and withdrawal offers without possession of Rome — let us say while the siege was in progress, or even without a siege? Again, matters must be considered from Aistulf's perspective. To him, we may suppose, only Lombard conquest of Rome would convince Stephen that the situation was serious enough for him to have to accept the royal offers and demands. Why, Stephen might ask, should Aistulf be listened to if he cannot take Rome? Pepin will shortly bring him to heel. But with Rome in Lombard hands, Aistulf presumably reasoned, Stephen, respecting Lombard strength, would be less sure of the future and more inclined to meet the royal proposals. A victorious siege was evidently mandatory for Aistulf.

The final assertion to be weighed is that one of Aistulf's motives for attacking Rome was to have Stephen II enter into a peace treaty with the monarchy calling for a long period of Lombard-Roman concord, probably for twenty or forty years, as had been specified in previous eighth-century Lombard treaties with Rome.⁸⁵ The treaty would also specify the territories ceded to St. Peter by Aistulf. That Aistulf wanted such a peace in 756 seems likely on several counts. Most importantly, the treaty would replace the Pavia settlement of 755.⁸⁶ That arrangement, so damaging to the monarchy in its demand that the exarchate-Pentapolis be transferred to the papacy, would necessarily become a dead letter, superseded by the new convention which would contain much more favorable terms. Next, a Lombard-Roman peace of the sort envisioned here would to Aistulf represent a papal confirmation of the new conditions acceded to by Stephen II after Rome's conquest. If the pope accepted the treaty he would also be acknowledging royal possession of the essential road link to the duchy of Spoleto and Frankish non-involvement in Italy. Finally, it appears tenable that Aistulf wanted the treaty in order to have at his disposal additional leverage for

84 It may be presumed that Stephen would also see security for the papacy. Part of the papal fear of the Lombards was that the pope might be reduced to ecclesiastical dependence, becoming no more than another Lombard bishop; see H. von Schubert, *Geschichte der christlichen Kirche im Frühmittelalter* (Tübingen, 1921), p. 293. It seems doubtful, however, that Aistulf or any of the eighth-century Lombard kings had such an objective in mind.

85 Twenty years in a peace between Liutprand and Zachary in 742, twenty in the case of the peace between Ratchis and Zachary in 744, and forty in Aistulf's 752 peace with Stephen II.

86 In this context it bears recalling that Aistulf may not have regarded the Pavia treaty as binding in the first place. See above, n. 46.

maneuvering Pope Stephen into adjustment of the papal-Frankish alliance in Pavia's favor. As argued, the principal temptations were to be the offers of endowment of the papacy with land sufficient for the establishment of the republic, and leaving Rome, the republic, and the papacy independent of Aistulf's Italy. But, the king may have reasoned, insistence upon a Lombard-Roman peace treaty might also prove influential: it could help to convince the pope that the other offers were genuine and that Rome, despite its siege and capture, had little to fear from the monarchy. For Aistulf, then, there appear to have been at least three advantages to gaining a peace treaty with Stephen II: replacement of the disastrous 755 treaty; papal confirmation of the new Italian conditions; and encouragement of Stephen to end Pepin's anti-Lombard role. It thus seems reasonable to assume that acquisition of a new Lombard-Roman peace was among Aistulf's motives for besieging Rome.

It is interesting and perhaps instructive to measure the accord which Aistulf and Stephen reached in June 752 with that which Aistulf presumably wanted in 756. The 752 agreement⁸⁷ covered a stipulated period, a concept which was probably similar to what was desired in 756. More significantly, the peace of 752, like that evidently to be concluded in 756, afforded papal acknowledgment of greatly altered political circumstances wrought by the crown: Stephen made the agreement with Aistulf soon after the latter had established the Lombard kingdom of Italy by completing the conquest of the exarchate-Pentapolis and attaching the duchies of Spoleto and Benevento. The 752 accord also gave implicit royal assurance that Rome would retain its autonomy. It would be no different in the peace planned for 756. That the peace of 752 lasted for no longer than a few months is of no concern here. Rather, the point is that although there may have been no connection at all between the 752 convention and that which Aistulf appears to have sought in 756, there is also the possibility that the former served in the king's mind as the inspiration, model, and precedent for the latter.⁸⁸ Herein lie additional grounds for thinking that Aistulf did indeed entertain the prospect of a new peace in 756.

Did Aistulf believe that Stephen II would consent to another pact with Pavia?

⁸⁷ See above, p. 196 and n. 32.

⁸⁸ Also in Aistulf's mind was perhaps the peace of 742 made by King Liutprand and Pope Zachary. In that agreement, a twenty-year period of peace was declared and Liutprand 'returned' several towns to the papacy (*Vita Zachariae*, p. 428). Like the 752 accord and that which Aistulf envisioned in 756, the 742 treaty involved papal acknowledgment of royal possession of exarchate-Pentapolis land and provided for a specific period of peace. Stephen II also could have remembered the 742 peace: then a Lombard king had contributed royal conquests to the papacy and Aistulf would do the same in 756.

The chances are good that he did, if Stephen could first be persuaded to change the papal-Frankish alliance and consent to Aistulf's concession of some of the exarchate-Pentapolis. Alteration of the alliance would deprive Stephen of his ally and that loss, given the new Italian circumstances, could only be rectified by acquisition of a new ally — Aistulf himself — through adoption of a formal concord such as that evidently desired by the king. Establishment of the papal republic by means of a royal grant would be influential too. The republic would require some guarantee of safety, and in the absence of Pepin the only suitable alternative was friendship and peace with Aistulf within the framework of a formal treaty. Such may have been Aistulf's evaluation of his prospects for gaining a settlement with Stephen II. As with everything else in his complex plan, the lynchpin was getting Stephen to modify Pepin's role in the papal-Frankish alliance.

It must be assumed that Aistulf's 756 plans included some specific course of action to be followed upon the surrender of Rome. We may perhaps surmise the following. Rome having fallen, the pope and the city's military leaders would be placed in Lombard custody. The royal demand would then be presented. Stephen must notify Pepin that his *patricius Romanorum* responsibility was not henceforth to involve defense of Rome against the Lombards or any other anti-Lombard activity. Then, when Stephen failed to comply, as expected, Aistulf would put forth his concessions: the exarchate-Pentapolis west of the roads would be turned over to St. Peter and Lombard troops would be withdrawn from Rome and its duchy; both of the latter and the papacy as well would henceforth remain free of the Lombard kingdom; and a treaty specifying a long-term peace between Pavia and Rome and cession of the territories would be established. After due consideration and long conversation with Aistulf, Stephen would accept the royal offers. He would thereupon despatch envoys to Pepin bearing news of his altered function within the alliance. Several diplomatic exchanges might be necessary to complete the change, but in the meantime Aistulf would fulfill his obligation of transferring the ceded places to the papacy by effecting a formal change of rule in each. After a period of some months necessary for completion of the territorial exchange and achievement of Pepin's exclusion from the Italian scene, the peace treaty would be made and sworn to by the king, the pope, and their respective appropriate officers. Aistulf would then lead his troops from Rome, on the way collecting whatever of his forces yet remained in the duchy. If all went well, it would be clear by late 756 or early 757 that the Lombard kingdom of Italy had been saved and that the new Italian circumstances necessary for its preservation were in being.

Aistulf must have known that there were numerous obstacles in his path. The most obvious problem was that Rome might be able to hold out long enough for

Stephen II to procure a second Frankish attack upon the Lombards, forcing a royal retreat and bringing the entire plan to grief.⁸⁹ Or, if Pepin failed to act as the siege lengthened or the Roman resistance weakened, Stephen might solicit Frankish aid in person as he had in 753-754, fleeing to Francia for new and urgent conferences with the king. Moreover, even if Rome was captured and the concessions offered, the pope might still refuse the royal terms or else delay accepting them, playing for time until Pepin could effect a rescue.⁹⁰ Another possibility was that Stephen might ostensibly accede to the royal offers, but later, after the Lombards were gone from Rome, deny the validity of their consequences to the world in general and Pepin in particular on the ground that they were illegal arrangements forced upon him under duress.⁹¹ Finally, the Frankish king might unexpectedly disrupt things. If a papal order restricting him from further anti-Lombard actions was actually sent, he might simply ignore it and attack on his own in contradiction of the directive.

Aistulf, being painfully aware of the unstable nature of Italian politics, surely realized that these impediments or others like them could easily arise. He was also certainly pragmatic enough to know that if one or all of them did develop, his objectives were not likely to meet success. It seems positive, however, that such an understanding would not have deterred him from seeking his ends. Why should he not try to accomplish them, he no doubt reasoned, when there was a chance of saving his kingdom and when failure would probably be no worse than doing nothing at all, that is, letting the disastrous terms of 755 go into effect? Aistulf, in a word, had everything to gain and nothing to lose if he besieged Rome for the reasons posited above.

V

In the end, as is well known, Aistulf had to lift the siege when King Pepin invaded the Lombard kingdom in April 756.⁹² Pavia was besieged and, although

89 This is exactly what happened, of course.

90 This is probably the best estimate as to what would actually have occurred had Aistulf taken Rome and given the terms outlined above. Judging from his successful arrangement of the papal-Frankish alliance, Stephen was a patient and skilled negotiator. It is not difficult to imagine him putting Aistulf off while simultaneously secretly pressing Pepin for help.

91 It is tempting to think that Aistulf's planning for anticipated difficulties included the ultimate solution of having Stephen deposed and replaced with a pro-Lombard pontiff. Such expedients would have generated more problems than they solved, however, particularly if Stephen escaped Rome and took refuge with Pepin. Aistulf thus probably never seriously considered deposition as an answer to his problems.

92 Aistulf reacted even before Pepin was across the Alps; cf. *Fredegarii chronicon*, p. 107: 'At this news [of Pepin's gathering his army] King Aistulf again brought up the Lombard army to the passes, there to halt King Pippin and his Franks and to deny them entry into Italy.'

the Lombards resisted for several months, their king eventually came to terms in the fall.⁹³ He acknowledged Frankish suzerainty, agreeing to pay an immediate indemnity and annually send representatives to Pepin with tribute. He also pledged again to surrender the exarchate-Pentapolis to the papacy, this time exactly specifying the places to be transferred.⁹⁴ Pepin took careful steps to assure that Rome actually possessed its new territories. Frankish authorities, accompanied by Lombard emissaries, visited each of the towns enumerated in the treaty, received their keys in token of surrender, and took hostages from the local aristocracies.⁹⁵ The keys and the treaty document were taken to Rome and deposited in the tomb of St. Peter, there to remain as perpetual proof of the papacy's right to jurisdiction over the papal republic.⁹⁶

Aistulf died in a hunting accident in late 756, surviving the transfer of the exarchate-Pentapolis to Roman rule by only a few months. By the time of his death or shortly thereafter, everything which he had feared during the siege had materialized. The exarchate and the Pentapolis were part of a central Italian papal republic extending across the peninsula from Rome to Ravenna. Both of the road links between the old Lombard kingdom and the duchies of Spoleto and Benevento were now in papal hands. The duchies themselves were no longer subject to royal rule, for their dukes renounced dependence upon the crown by putting themselves under Frankish suzerainty.⁹⁷ Thus, the great Lombard kingdom of Italy which Aistulf had assembled by the end of 751 was dismembered; Pavia ruled only what it had held at the death of Liutprand in 744, only slightly more than the crown's traditional north Italian territory. Worst of all, the powerful Carolingian monarchy, upon which Pavia was at least nominally dependent, apparently stood ready to guarantee the new realities against any future Lombard attempts to disrupt them. Thus, the new and disastrous Italian circumstances which Aistulf had unquestionably dreaded and probably sought to prevent in 756 were in being by about the beginning of the following year.

It is true that Aistulf's successor, Desiderius (757-774), found it possible to overcome the Lombard disaster of 756 in some respects. Testing the new conditions to determine just how restrictive they actually were, Desiderius learned that he could refuse the demands of Pope Paul I (757-767) for the surrender of

93 *Vita Stephani II*, p. 453; *Annales Mettenses*, p. 333; *Fredegarii chronicon*, p. 108. The *Vita Stephani* characterizes the 756 treaty as an enforcement of the 755 terms, not a new pact.

94 The chief places stipulated were Ravenna, Rimini, Pesaro, La Cattolica, Fano, Cesena, Sinigaglia, Jesi, Forlimpopoli, Forlì (with its fortress of Sussubium), San Leo, San Marino, Bobbio, Urbino, Cagli, Luceoli, and Gubbio.

95 *Vita Stephani II*, p. 454.

96 *ibid.*

97 *Codex Carolinus*, ep. 11, p. 506. Pepin evidently never took the submissions seriously (Miller, 'Papal-Lombard Relations during the Pontificate of Pope Paul I', 370 and n. 43).

more Lombard territory, march royal troops across the papal republic into Spoleto and Benevento, and even harass the republic without having Pepin descend upon him.⁹⁸ It was thus that in 758 he was able to reestablish hegemony over Spoleto and Benevento, thereby recouping one of the major losses of 756.⁹⁹

But if Desiderius found that Aistulf's shattered kingdom could to a degree be restored, he also eventually discovered that his militancy contributed to a papal determination to introduce another Italian reorganization, this one far more damaging to Pavia than that effected in 756. In 772 and 773 Desiderius ravaged the papal republic from end to end and besieged both Ravenna and Rome.¹⁰⁰ After receiving numerous appeals from Pope Hadrian I (772-795), Pepin's son and successor, Charles (768-814), conducted his first Italian campaign, invading the Lombard kingdom in the summer of 773.¹⁰¹ Throwing Pavia under siege, Charles fought Desiderius there until April 774 and then went to Rome where he held important consultations with Pope Hadrian.¹⁰² Upon conclusion of the meetings, Charles returned to Pavia, captured it in June, and then deposed Desiderius and installed himself as his successor.¹⁰³ Though no source says as much, it seems certain that the deposition of Desiderius and the substitution of Charles as Lombard king were both arranged to mutual satisfaction by Charles and Hadrian during the Rome conferences.¹⁰⁴ For various reasons, but at least in part because Desiderius had contended too vigorously against the conditions imposed upon Aistulf by Stephen II and Pepin in 756, the pope and the Frankish king had collaborated in making the Lombard kingdom part of the Frankish realm.

One wonders whether Aistulf perceived substitution of Frankish for Lombard rule at Pavia as the ultimate danger confronting him when he conducted the siege of 756. Most likely he did not, for as observed earlier he presumably saw Pepin as a basically reluctant papal ally who wanted to avoid Italian complications as much as possible. But, on the other hand, Aistulf knew that Pepin had gained his own throne by deposing the Merovingian Childeric III.¹⁰⁵ And he also knew that

98 On Desiderius' able maneuvering see Miller, *ibid.*, 368-75.

99 *Codex Carolinus*, ep. 17, p. 515. Having crossed the papal Pentapolis, Desiderius captured Duke Alboin of Spoleto and then exiled Duke Liutprand of Spoleto. He replaced Liutprand with Arichis, a duke of his own choice.

100 *Vita Hadriani I, Liber pontificalis* 1.491-94.

101 *ibid.*, p. 495.

102 *ibid.*, pp. 496-98. During the meeting Charles made his celebrated donation of 774 which apparently conceded most of Italy, with the exception of the old Lombard kingdom, to the papacy (*ibid.*, p. 498).

103 *ibid.*, p. 499; *Annales Laurissenses maiores*, p. 38. After these developments Hadrian addressed Charles as 'rex Francorum et Langobardorum atque patricius Romanorum'.

104 This is implied by Halphen, *Charlemagne*, p. 102.

105 *Annales Laurissenses maiores*, pp. 8-10.

Pepin had carried out his coup with the approval and assistance of the papacy.¹⁰⁶ With these considerations in mind, it is not unthinkable that Aistulf believed that the pope and the Carolingian might sooner or later co-operate in effecting another deposition, this time of the Lombard king. If he did have this fear at least dimly before him in 756, his motivation for the siege of Rome was to keep Franks from ruling Lombards as well as to save the Lombard kingdom of Italy from dissolution.

* * *

The principal findings of this investigation may be summarized as follows. It appears unlikely that Aistulf besieged Rome in order to make it part of the Lombard kingdom or to establish suzerainty over it. Nor is it probable that he assaulted the city in an indiscriminate act of reprisal for Stephen II's anti-Lombard actions and successes during the period from 753 to 755. Neither view takes cognizance of the great royal crisis of 755-756 and Aistulf's likely reactions to it. Only in such cognizance seems to lie some hope of reaching tenable estimation of his motives for the siege. The crisis was deep: Aistulf stood in grave danger of losing the exarchate-Pentapolis to the papacy and therefore of having to suffer dismemberment of the Lombard kingdom of Italy, which he had brought into being by the end of 751. Since Aistulf naturally hoped to overcome this crisis, his motives for the siege all are apt to have flowed from his concern for saving his kingdom from ruination. Judging from the particular components of the crisis and from his perceptions of Stephen II's concerns, Aistulf's specific motives were to gain temporary control of Stephen so that he could be made to revise the papal alliance with the Franks in such a way as to exclude the Carolingians from future intervention in Italy against the monarchy, accept Pavia's possession of a strategic link between the Lombard north and south sufficient for survival of the kingdom of Italy, and agree to a long-term peace with the crown. Grant of much of the exarchate-Pentapolis for establishment of the papal republic, assurance of Roman and papal independence in the future, and the peace treaty were seen as the means of Aistulf's winning Stephen's co-operation. In the broadest sense, what Aistulf hoped to obtain in 756 was an Italian *modus vivendi* wherein the Lombard kingdom of Italy could co-exist with Rome and the papacy without

¹⁰⁶ Pepin had received a favorable reply from Pope Zachary when he inquired in 749 whether he should not be king in preference to Childeric (*ibid.*, p. 8). Later, after he was elected king in 751 by the Frankish nobles, Pepin was anointed by Bishop Boniface, the papacy's principal representative in northern Europe (*ibid.*, pp. 8-10; *Annales Einhardi*, pp. 9-11). Zachary may actually have ordered the deposition of Childeric and the anointment of Pepin; see E. Caspar, *Das Papsttum unter fränkischer Heerschaft* (Darmstadt, 1956), pp. 9-16. These events of course furnished Stephen II with valuable precedents for the formation of the papal-Frankish alliance in 753-754.

being menaced by papal-Frankish threats to its existence. There is some chance that Aistulf had other motives for the siege, which, if they existed, were not inconsistent with the others: to save himself from deposition by a party of dissident anti-Roman Lombard nobles and to avert the ultimate catastrophe of institution of Frankish rule at Pavia. Because of the failure of the siege, of course, no sure resolution of the problem is possible. Only an estimation can be made, and only that has been attempted, with the emphasis where it belongs — upon Aistulf's own perceptions of his past accomplishments, their danger of ruin in 756, and his prospects of preserving them through temporary conquest of Rome.

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WILLIAM OF SAINT-AMOUR AND THE APOSTOLIC TRADITION

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THE northern reformers and Italian humanists of the sixteenth century were equally inspired by a new reading of history. Both perceived sharp discontinuities in tradition, discovered new models in antiquity, and found in them alternatives to existing arrangements. The historical views of the Christian Reform have received far less attention than those of the classical Renaissance, and much less is known about their background. Gordon Leff has shown how important was the tendency among anti-papal writers of the fourteenth and fifteenth centuries to use the ideal of the apostolic Church as a vehicle for the criticism of the contemporary institutional Church; and it is widely recognized that Wycliffe played a pivotal role in this development, because his is the earliest doctrine in which we find fully articulated the concept of the primitive Church as an absolute model from which the later Church is not allowed to deviate.¹ It is the purpose of the present article to discuss some of the thirteenth-century antecedents of this view.

The issue in question, which is that of the relationship between Church and Scripture, is one always pervasive in Christian thought. In the Middle Ages, everyone would have agreed at any time that everything essential to the life of the Church had been established by Christ and the apostles, at least in germ or in basic form, and recorded in Scripture (and perhaps in certain non-Scriptural traditions as well). At the same time, most were aware that there existed certain institutions, such as clerical celibacy, in which the practice of the contemporary Church differed from that of the apostolic Church. Faith in tradition and awareness of change always existed side by side; the historical thought of the

¹ Gordon Leff, 'The Apostolic Ideal in Later Medieval Ecclesiology', *Journal of Theological Studies* 18 (1967) 58-82, and *Heresy in the Later Middle Ages*, 2 vols. (Manchester, 1962), has called attention to this pervasive 'historicism', as he terms it, in the thought of Marsilius, Occam, Wycliffe, and the Conciliarists.

medieval West developed between these two poles. The traditional monastic theology which dominated the world of learning until the twelfth century emphasized the sufficiency of Scripture and the continuity of tradition; the rise of centralized ecclesiastical bureaucracy always encouraged the development of discretionary authority and rational legal thought.

Everyone would have agreed that the Church was based upon Scripture in everything essential; but which things are those? Everyone agreed that in some things the Church could depart from or add to the New Testament model; but in what? It seems that until about 1250 this problem was not systematically discussed by either canonists or theologians. The general tendency of theologians, even in the thirteenth century, was always to stress the sufficiency of Scripture; ecclesiastical innovations were little spoken of, and were generally supposed to be minor and concerned with moral and liturgical matters rather than with doctrine. There was little effort even to distinguish the authority of the Church from the authority of Scripture, as the Church and the Fathers were considered the indispensable interpreters of Scripture and almost inseparable from it.² This, like most problems of authority, was left chiefly to the canon lawyers.

Neither did the canonists discuss this question in the abstract. But, unlike theologians, they were accustomed to make distinctions between the authority of Scripture and lesser authorities; and after the middle of the twelfth century they appear to have placed far less importance on the sufficiency of Scripture than did the theologians. They always recognized that Scripture could be neither altered nor added to where the articles of faith were concerned. As to the exact content of the *articuli fidei*, a certain reverential vagueness was thought adequate. Presumably a minimal list would have included the sacraments, the priestly office, and papal jurisdiction. There seems to have been a common assumption that at least the major institutions of the Church had to be of Gospel foundation.³ On

2 The discussion of the problem of tradition by twelfth- and thirteenth-century theologians is summarized by Yves M.-J. Congar in *Tradition and Traditions: An Historical and a Theological Essay*, trans. Michael Naseby (New York, 1967), pp. 86-94. Congar finds little effort to undertake a critical treatment of this subject until the later thirteenth century. The earlier development of this theme has been described by Karl Morrison, *Tradition and Authority in the Western Church, 300-1100* (Princeton, 1969). On the recognition of non-Scriptural traditions, see Paul de Vooght, 'La décrétale *Cum Marthae* et son interprétation par les théologiens du xiv^e siècle', *Recherches de science religieuse* 42 (1954) 540-48.

3 The formula 'the articles of faith and the general state of the Church' was popularized by Huguccio to express the belief that there was a Scripturally based divine law with which ecclesiastical authority could not interfere. There was no attempt to define precisely the content of this formula. It was agreed that a heretical pope could be deposed, that the pope cannot lead men into sin, that the pope cannot dispense from monastic vows of poverty or chastity; but the discussion seems to have proceeded no further. See Brian Tierney, 'Pope and Council: Some New Decretist Texts', *Mediaeval Studies* 19 (1957) 197-218, and 'Grosseteste and the Theory of Papal Sovereignty', *Journal of Ecclesiastical History* 6 (1955) 1-17.

the other hand, the canonists explicitly recognized that the Church could establish new regulations in matters that the Scriptures had left open, and the latitude that they allowed to ecclesiastical discretion seems potentially a very wide one. Though the examples they gave of such innovations are chiefly liturgical and disciplinary, they also included the institution of the subdiaconate and other minor orders; and it was widely thought that some or all of the differences between the episcopal and priestly orders were introduced after the apostolic period.⁴ The assumption that the Church could establish new clerical orders would be of great importance as the ancient sacramental concept of *ordo* gave way to the jurisdictional refinements of the thirteenth-century lawyers; it opened the way to a very wide discretionary sphere in the realm of Church polity or organizational structure.

It was the constitutional crisis precipitated by the spread of the mendicant orders that first aroused serious discussion of these abstract issues. The new orders represented the most striking institutional discontinuity and the most direct challenge to the force of tradition that had ever appeared. Unlike any earlier reform movement, they had no ties to the monastic tradition and consciously dissociated themselves from it; at the same time they challenged the prerogatives of the secular clergy by erecting a vast pastoral organization completely outside the ancient parochial-diocesan network and headed toward inevitable rivalry with it. In the ensuing controversies, the great problem of Scripture and tradition was debated with unprecedented rigor and polemical zeal, and new formulas were proposed which were to have great influence on later controversialists. The key episode in this process was the fierce dispute between secular and mendicant masters at the University of Paris in 1252-57. This affair has not been neglected by historians, but the position of the anti-mendicant masters has been relatively little studied and less understood.⁵ We will here analyze the principal ideas of

4 Glenn Olsen, 'The Idea of the *ecclesia primitiva* in the Writings of the Twelfth-Century Canonists', *Traditio* 25 (1969) 61-86, especially 73 n. 34, 74, 78. Among their examples of ecclesiastical institutions were clerical celibacy, the abolition of adult baptism, and changes in the marriage laws. On the institution of the subdiaconate, see D. 60 c. 4 and Gratian's comment on D. 2 c. 1. Robert P. Stenger, 'The Episcopacy as an *Ordo* according to the Mediæval Canonists', *Mediaeval Studies* 29 (1967) 67-112, discusses the widespread view that bishops and priests had originally been equal and that the difference was of ecclesiastical institution.

5 The exhaustive work of M.-M. Dufeil, *Guillaume de Saint-Amour et la polémique universitaire parisienne, 1250-1259* (Paris, 1972), has practically eclipsed earlier studies on this controversy, among which convenient summaries may be found in Hastings Rashdall, *The Universities of Europe in the Middle Ages*, ed. F. M. Powicke and A. B. Emden, 3 vols. (Oxford, 1936), I. 370-95; Pearl Kibre, *Scholarly Privileges in the Middle Ages* (Cambridge, Mass., 1962); Peter R. McKeon, 'The Status of the University of Paris as *parens scientiarum*: An Episode in the Development of Its Autonomy', *Speculum* 39 (1964) 651-75; and Gordon Leff, *Paris and Oxford Universities in the Thirteenth and Fourteenth Centuries* (New York, 1968), pp. 34-47, 255-70. The most

their leader, William of Saint-Amour. It will be argued that William's position consisted essentially in a revival of the ancient ideal of apostolic tradition. In opposition to the mainstream of thirteenth-century thought about Church polity and law, William reaffirmed those neglected principles of theology and canon law that emphasized the immutable nature of ecclesiastical order and its historical continuity with the *forma ecclesiae* established by Christ and the apostles. In reviving these principles, he perhaps inadvertently gave them a new twist.

THE DEVELOPMENT OF WILLIAM'S ANTI-MENDICANT POLEMIC

Apparently William of Saint-Amour was the father of the systematic polemic against the mendicant orders which came out of the University of Paris in 1255-56. Nothing comparable to this effort can be found earlier. There had been complaints against the friars, emanating chiefly from the older religious orders, to the effect that mendicancy was a pernicious novelty: the new orders were criticized for their presumption in setting themselves above the ancient rules of Benedict and Augustine, and sometimes they were identified with the gyrovague monks condemned in the first chapter of the Benedictine Rule. These complaints foreshadowed William's themes, but seem vague and unsophisticated by comparison, and they inspired no significant debate; their misty reverence for

useful interpretative study remains Yves M.-J. Congar, 'Aspects ecclésiologiques de la querelle entre mendiants et séculiers dans la seconde moitié du XIII^e siècle et le début du XIV^e siècle', *Archives d'histoire doctrinale et littéraire du moyen âge* 36 (1961) 35-151; also useful are K. Schleyer's *Anfänge des Gallikanismus im 13. Jahrhundert* (Historische Studien 314; Berlin, 1935), and 'Disputes scholastiques sur les états de perfection', *Recherches de théologie ancienne et médiévale* 10 (1938) 279-93; and M. Peuchmard, 'Mission canonique et prédication', *Recherches de théologie ancienne et médiévale* 30 (1963) 122-44, 251-76. On Bonaventure there is S. Clasen, 'Der heilige Bonaventura und das Mendikantentum', *Franziskanische Forschungen* (Werl i. Westf., 1940); and Joseph Ratzinger, *The Theology of History in Saint Bonaventure*, trans. Z. Hayes (Chicago, 1971).

Most of the important documents relevant to the controversy are printed in H. Denifle and E. Chatelain, *Chartularium Universitatis Parisiensis* 1 (Paris, 1889). Most of the works of William of Saint-Amour are available only in the 1632 edition, but most of the *De periculis* is reprinted in M. Bierbaum, *Bettelorden und Weltgeistlichkeit an der Universität Paris* (Franziskanische Studien 2; Münster, 1920), along with many other documents relating to the controversy. William's *Responsiones*, a defense of his career presented at his trial in 1256, has been critically edited by E. Faral and is the principal basis for reconstructing the chronology of the controversy: 'Les "Responsiones" de Guillaume de Saint-Amour', *Archives d'histoire doctrinale et littéraire du moyen âge* 25-26 (1950-51) 337-94; see also P. Glorieux, 'Le conflit de 1252-1257 à la lumière du mémoire de Guillaume de Saint-Amour', *Recherches de théologie ancienne et médiévale* 24 (1957) 364-72. The controversial writings of Bonaventure are available in the Quaracchi edition: *Opera omnia*, 11 vols. (Quaracchi, 1882-1902). Those of Thomas Aquinas lack adequate editions, but they may be found in *S. Thomae Aquinatis opuscula omnia* 4, ed. P. Mandonnet (Paris, 1927). Dufeil's *Guillaume de Saint-Amour* provides several hitherto unedited pieces. Those interested in a fuller bibliography may consult Dufeil and Congar, 'Aspects ecclésiologiques', 44-52.

tradition places them in the world of the old monastic theology.⁶ There were signs of a more effective opposition to the mendicants among the bishops and secular clergy, but this opposition was still unorganized and inarticulate.⁷ And at the University of Paris there was no sign of any serious difference between the mendicant masters and their secular colleagues until 1252.⁸

When a quarrel over the number of mendicant chairs at the University broke out in that year, it began and long continued as an internal dispute within the society of masters; but within three years it had broadened into a theoretical controversy over the status and rights of the new orders which had major implications for all Christendom. William was the ringleader of this campaign, and a complete program for the defense of the secular clergy against the encroachments of the new orders was outlined in the disputations, sermons, and pamphlets that he produced at Paris in 1255-56.

A reading of these works in their chronological order reveals that William's propaganda passed through two distinct stages. At first he was concerned primarily with the problem of the *vita apostolica*, or the definition of the true religious life, and collected authorities that demonstrated the apostolic foundation of the older form of monasticism. The ensuing debate led him to examine in more general terms the meaning of the apostolic origin of ecclesiastical institutions. In his famous tract, *De periculis novissimorum temporum*, he emerged with a radically new theory of Church government which claimed that foundation in the primitive Church is the sole basis of legitimacy for all ecclesiastical jurisdiction.

6 For the relations between the mendicants and the monastic houses, see A. G. Little, *Studies in English Franciscan History* (Manchester, 1917), pp. 93-99, and David Knowles, *The Religious Orders in England* I (Cambridge, 1950), pp. 191-93. Matthew Paris is the best representative of this attitude: see his remarks in *Chronica majora*, ed. H. R. Luard (RS 57; London, 1872-1884), 3. 332-34; 4. 163-64, 271-82; 5. 194-95.

7 For the earlier relations between friars and secular clergy, see Little, *ibid.*, pp. 99-112; Schleyer, *Anfänge*, pp. 5-50; Dufeil, *Guillaume*, pp. 35-45; and A. van der Wyngaert, 'Querelles du clergé séculier et des ordres mendiants à l'Université de Paris au XIII^e siècle', *La France franciscaine* 5 (1922) 257-81. The legal situation with respect to administration of the sacraments and preaching was still vague in the early thirteenth century. The early papal privileges on behalf of the friars, which climaxed in 1231 with *Nimis iniqua*, were intended to free them from episcopal jurisdiction and visitation; the prelates were exhorted to allow the friars to preach in their dioceses, but it seems that the mendicant preachers were expected to solicit episcopal permission, and they were not allowed to take offerings for performing parochial functions. Organized resistance to the mendicants among the secular clergy was a feature of the later thirteenth century and was a reaction to the papal policy, initiated by Alexander IV, of making the mendicant preachers direct agents of the papacy empowered to preach without episcopal approval; the most severe phase of this controversy was initiated by the bull *Ad fructus uberes* of Martin IV in 1281. See Schleyer, *Anfänge*, and P. Gratien, 'Ordres mendiants et clergé séculier à la fin du XIII^e siècle', *Etudes franciscaines* 36 (1924) 499-518.

8 R. E. Lerner, 'Weltklerus und religiöse Bewegung im 13. Jahrhundert', *Archiv für Kulturgeschichte* 51 (1969) 94-108; and Dufeil, *Guillaume*, pp. 45-60.

THE APOSTOLIC FOUNDATIONS OF THE RELIGIOUS LIFE

The final break between the secular and mendicant factions at the University came on 2 October 1255, when the assembly of masters refused to obey a papal bull ordering them to readmit the Dominicans into their society, and instead declared their society dissolved. The letter that they issued on this occasion shows us that the masters were now attacking the ideal of religious mendicancy itself. They identify the friars with those brothers 'walking disorderly, and not according to tradition', against whom the Apostle Paul warned (2 Thess 3:6).⁹ This passage was the traditional authority for the obligation of monks to perform manual labor, and its appearance here is a signal that the masters were using the monastic tradition as their main storehouse of ammunition. They tried to assimilate the mendicants to the older orders, and claimed that mendicancy was *ipso facto* illegitimate because it meant the rejection of manual labor and the common life. This theme seems to have dominated the anti-mendicant campaign at the University through the following winter.

The content of this polemic is known to us from a series of *quaestiones disputatae* held by William of Saint-Amour, Bonaventure, and John of Pointlasne on the subject of the legitimacy of absolute poverty and mendicancy. The 1632 edition of William's works printed a *Quaestio unica de quantitate eleemosynae* and a *Quaestio unica de valido mendicanti*. The Quaracchi editors of Bonaventure recognized long ago that these two questions are obviously associated with the two articles *De paupertate* in Bonaventure's well-known treatise *De perfectione evangelica*. The whole series of disputations preceded the writing of William's *De periculis*, which clearly represents a more advanced stage of the argument, so we are probably safe in placing the series of disputations in the fall of 1255. There is

⁹ The quarrel began in February 1252, when the theological faculty tried to restrict the number of chairs held by religious orders at Paris. In 1253 the University attempted to force on the mendicant masters an oath to obey the statutes of the University. The one Franciscan and the two Dominican masters appealed to the pope. The Franciscans soon withdrew their opposition, but the Preachers remained obdurate. In February 1254 the University sent a circular letter to all the prelates of Christendom asking for their support. By the end of that year Innocent IV, who at first strongly supported the Paris friars, was won over to the side of the University; he ordered the Dominicans to take the oath, and in the bull *Etsi animarum* placed severe restrictions on the pastoral activities of both the mendicant orders. But Innocent died on 7 December, and his successor, Alexander IV, immediately revoked these bulls. In April 1255 Alexander issued *Quasi lignum vitae*, in which the University was ordered, in effect, to readmit the Dominicans on their own terms; see Denifle, *Chartularium* 1, no. 247 (pp. 279-85). This bull precipitated the final crisis at Paris. On 2 October 1255 the University formally dissolved itself in order to avoid readmitting the Dominicans. This 'dissolution' was probably nominal and intended as a delaying tactic. The letter proclaiming this action is edited in Denifle, *ibid.*, no. 256 (pp. 292-97); for the passage I have quoted, see p. 293.

extant also a *reportatio* of Bonaventure's second article, accompanied by marginal notes which record objections made by William of Saint-Amour; this document provides interesting insights into the positions of the two masters. Dufeil has edited two short questions on the same subject by John of Pointlasne, O. P.¹⁰

The two principal arguments advanced by the seculars in these disputations concern the obligation of manual labor and the obligation to practice the common life. In support of the view that religious are required to maintain themselves by their own labor, they cited Paul's epistles, the Benedictine Rule, Augustine's *De opere monachorum*, and appropriate passages from the *Decretum* and the standard *Gloss* to the Scriptures.¹¹ All were familiar authorities, and the principle that monks should labor was accepted by all. But the seculars had no strong case here, because it had also been accepted for about a century that this principle applied only to *lay* religious. The issue of manual labor was part of the larger problem of the relation between priestly and monastic status. The ancient distinc-

10 William of Saint-Amour, *Opera omnia* (Coutances, 1632), pp. 73-87; Bonaventure, *Opera* 5. 125-55; 'Quaestio reportata de mendicitate cum annotationibus Gulielmi de S. Amore' in *S. Bonaventurae Collationes in Hexameron et Bonaventuriana quaedam selecta*, ed. F. Delorme (Quaracchi, 1934), pp. 328-56. The two short questions *De labore manuali* and *De renuntiantibus* of Joannes Pungensasinum, O. P., have been edited by Dufeil (*Guillaume*, pp. 378-79) from Arsenal MS. 131. For the little that is known about John, see Glorieux, *Répertoire des maîtres en théologie* 1 (Paris, 1933), pp. 82-83, and Dufeil, *Guillaume*, pp. 102-13, 293. Dufeil considered both these questions to antedate the other treatments of the problem, so he dated them 1252-54. I cannot agree with this judgment with respect to the second question, *De renuntiantibus*; this is simply an abbreviated version of Bonaventure's first question on poverty, *De paupertate quoad abrenuntiationem*, as I think a comparison of the texts will make clear (see Bonaventure's *Opera* 5. 125-28); furthermore, Bonaventure's second question, *De mendicitate*, follows John's *De renuntiantibus* immediately in the manuscript. But the very short question *De labore manuali* is unlike any other treatment of this problem, and Dufeil is probably correct in thinking it belongs to an early stage in the controversy.

The few facts that are known about William's life may be found in Dufeil and in many other studies of this subject. Born in the county of Burgundy, he became a master of arts and of canon law; the latter was always his real specialty (Dufeil, *Guillaume*, p. xxii). About 1250 he became a regent master of theology at Paris. In 1254 he was sent to the papal curia as the University's proctor to present their case against the mendicants.

Bonaventure became regent master in the Franciscan school in 1253-54; see John F. Quinn, 'Chronology of St. Bonaventure (1217-1257)', *Franciscan Studies* 32 (1972) 168-86.

11 The principal authorities produced by the seculars in this context were 2 Thess 3:6-12; 1 Thess 4:11; Augustine, *De opere monachorum*; the Rule of St. Benedict, chap. 48; the *Glossa ordinaria* on Lk 12:33, which interprets the precept of absolute renunciation as a command to work with one's hands (this was derived from Bede's commentary on Lk 12:33 [CCSL 120.255]), and on Jn 21:3, in which it is pointed out that the apostles returned to their previous occupation as fishermen after the Resurrection (this from Bede's commentary on John, PL 92.922); and a passage from Jerome cited in Gratian, *De consecratione*, D. 5 c. 33. See William, *Opera*, pp. 76-78, 83-84; Faral, 'Responsiones', art. 13 (345); Bonaventure, *De mendicitate* (ed. Delorme, *Bonaventuriana*, pp. 329-31), and *De labore manuali* (*Opera* 5. 156-65); John of Pointlasne, *De labore manuali* (ed. Dufeil, *Guillaume*, p. 378).

tion between the clerical and the monastic orders was by post-Carolingian times thoroughly obscured by the numbers of ordained monks and by the large-scale monastic ownership of churches and tithes. The restoration of the primitive distinction had been one of the main goals of the monastic reformers of the early twelfth century, but this attempt had failed, and since the time of Gratian it had been widely recognized that monks had the right to assume clerical orders and hence to receive clerical revenues.¹² Since the mendicant friars were clerics (even the Franciscans had become overwhelmingly clerical long before 1255), no one had questioned their right to receive alms, and William's opponents had little difficulty with this argument.¹³

But his second point was a different matter. William insisted that the *vita apostolica* had always meant the common ownership of property, based upon the practice of the apostolic church at Jerusalem as described in Acts 4:32-35, and hence the friars' practice of poverty individual *and* common had no place in the tradition of the Church. The common life was a clerical as well as a monastic tradition, and William emphasized its clerical aspect by quoting the texts from Gratian that dealt with the regular canons.¹⁴

On this point, the friars were compelled to admit that they departed from tradition. The mendicant version of the *vita apostolica* was not that which the Church had upheld since antiquity. This admission did not embarrass the friars; the Franciscans, and to a lesser extent the Dominicans, had always made much of

12 The doctrine that monks must work, and may not take alms like clergy, was repeated by all the major Fathers: Basil, *Regulae fusius tractatae* 37, 41 (PG 31.1009, 1021); Jerome, *Ad Rusticum* (Ep. 125.11; CSEL 56.129-31), *Ad Heliodorum* (Ep. 14.8; CSEL 54.55-57). Augustine's *De opere monachorum*, a favorite text of the anti-mendicant faction, was the most elaborate defense of this distinction (CSEL 41.531-96). The badge of most of the reformed orders in the early twelfth century was the revival of manual labor, in imitation of the apostles and the ancient monks, and the rejection of churches, tithes, and other ecclesiastical revenues. On the resulting controversies see Giles Constable, *Monastic Tithes* (Cambridge, Mass., 1964), pp. 136-51, 165-85. The defenders of the Cluniac and other established Benedictine customs argued against the reformers that there had been legitimate changes in the ancient tradition, and that manual labor was associated with a primitive period when monks were lay and persecuted. Gratian accepted this solution in his C. 16 q. 1.

13 The *De labore manuali* of John of Pointlasne (see n. 10) presents the mendicant position in its simplest and probably its original form: what Augustine has said about manual labor applies to lay monks and not to ministers of the Gospel.

14 William cited Acts 4:32-35, the *locus classicus* for the belief that the common life was instituted in the primitive Church, and several canons from Gratian's C. 12 q. 1 which cite Augustine and Pope Urban I, the major patrons of the clerical common life. These passages are part of a dossier assembled in the eleventh century to promote the reform of the regular canons; for its history, see C. Dereine, 'Le problème de la vie commune chez les canonistes, d'Anselme de Lucques à Gratien', *Studi gregoriani* 3 (1948) 287-98, and J. H. Claxton, 'On the Name of Urban II', *Traditio* 25 (1967) 489-95.

the uniqueness and novelty of their *status*. They were neither monks nor canons, but a new order. They imitated the mendicant Christ of the Gospels, not the apostolic church of Acts; for a long time they even avoided the phrase *vita apostolica* because of its associations with traditional monasticism, though they appropriated the title before 1255. It seems surprising that this thoroughgoing rejection of tradition, in an intellectual world so imbued with the sanctity of authority and precedent, had not come under heavy attack before. But when confronted with the problem, the friars thought they had a ready answer. If their rule was not that laid down by the ancient Fathers and the old canon law, it was nevertheless sufficiently sanctioned by the new canon law. As the papacy had at one time approved the common life, so now it had bestowed an equivalent approval on the mendicant rules.¹⁵

Thus the underlying issue of the controversy became clear. The attacks of the secular masters forced the friars to an increasingly conscious recognition of the novelty and uniqueness of their status, for which no justification could be found ultimately but in the papal plenitude of power. From this point on they would become, in regard to the great question of the relation between Scripture and Church, extreme advocates of papal discretionary authority. To believe that the phenomenal spread of the mendicant orders in thirteenth-century Europe had been the work of the Holy Spirit, it was necessary to believe that the pope could legitimately change the institutions of the Church without restriction, outside the strictly defined articles of faith.

For their part, the secular masters were driven to an increasing insistence on the importance of apostolic foundation and continuous tradition; a very ancient mode of argument, but one which had played very little part in the theological and canonistic debates of the previous hundred years. They did not intend to deny what all canonists would have assented to, that the pope was 'lord of decretals', endowed with a discretionary power that extended over all positive law. Rather they wished to restrict the sphere of positive law, to define and protect therefore that mysterious basic framework, rooted in the primitive Church, which the later Church must build upon but could never change. Bonaventure declared that the decretal of Urban on the common life (thought to

15 Bonaventure, *Opera* 5. 130, 141-42, 146-49, 151-52; cf. Delorme, 'Quaestio reportata', *Bonaventuriana*, pp. 345, 352-53. He points out that the decretal of Urban I on the common life (C. 12 q. 1 c. 16) has been superseded by the decisions of later popes and councils which have approved the mendicant rules and instructed the bishops to support the friars' activities. He defends the right of the pope to amend the legislation of his predecessors: 'quod posterius confirmatum est, vim deberet obtinere et priori statuto debet derogare' (Delorme, *ibid.*, p. 352). He says that statutes ought to change according to the necessities of different times and places (*Opera* 5. 146) and in this case changes in the form of the religious life have been required by the greater need for preachers in the Last Times (Delorme, *ibid.*, pp. 352-53; *Opera* 5. 149).

be a product of the third century) was not the sole authority on the religious life, for the decretals of later popes had been added to it. William responded that Urban's decretal was not of the positive law and could not be affected by the decretals of later popes: Urban was merely repeating the 'apostolic statute' of Acts 4:32-35, which established the common life as the perfect form of Christian life for all time. Institutions established by the apostles cannot be changed by the later Church. William was accused about this time of having declared in a sermon, 'I do not believe the pope against the Apostle.'¹⁶

But the friars had the better of this argument also. When they claimed that the pope had authority to alter apostolic institutions, they knew that a consensus of the canon lawyers of Christendom would have supported them in this view. Though Gratian and his immediate successors had thought differently, most canonists of the thirteenth century seem to have regarded institutions of the apostles (such as the office of deacon, or the qualifications for the episcopacy given in Paul's epistles) as belonging in effect to positive law rather than to divine law, and hence not binding on the later Church in the sense that the Gospel precepts were binding.¹⁷ Clearly this principle applied to the monastic life, whose major institutions were thought to be of apostolic origin: the common life had been established in the primitive Church of Acts, the practice of manual labor in the epistles. So the friars thought it sufficient to cite some of the papal bulls approving the mendicant rules, knowing that if William pressed this point further he was on dangerous ground.

Doubtless William perceived the vulnerability of his position on the *vita apostolica*. He quickly broadened the issue and began to introduce arguments which approached the problem of apostolic tradition from a much more general and more original viewpoint.

16 See particularly the *annotationes* edited by Delorme, *ibid.*, pp. 338, 346, 352-53. William cites Gratian's C. 25 q. 1 c. 6 ('quod docuerunt Apostoli et Prophetæ, destruere, quod absit...') to show that the Church cannot change institutions established by the apostles. The statement 'I do not believe the pope against the Apostle' was alleged to occur in a sermon William gave at Mâcon, probably in 1255: Faral, 'Responsiones', art. 11 (343).

17 On the canonistic distinction between divine and positive law, see G. Le Bras et al., *L'âge classique 1140-1378: sources et théorie de droit* (Histoire de Droit 7; Paris, 1965), pp. 367-84; and B. Tierney, "'Sola scriptura" and the Canonists', *Studia Gratiana* 11 (1967) 345-66. 'Apostolic institutions' in the older theological terminology usually meant the whole deposit of tradition, but to the canonists the phrase often meant things established specifically by the apostles, as opposed to evangelical institutions and ecclesiastical institutions (e. g., Gratian's C. 35 q. 1 c. 1). After Huguccio it was widely accepted by the canonists that the pope, as heir of Peter and thus superior in authority to the other apostles, could change the *doctrina apostolica* freely except where the state of the Church or the articles of faith were concerned; see Stephen Kuttner, 'Pope Lucius III and the Bigamous Archbishop of Palermo' in *Medieval Studies Presented to Aubrey Gwynn* (Dublin, 1961), pp. 409-53. Thomas Aquinas uses this argument against William in his *Contra impugnantes Dei cultum et religionem* (ed. Mandonnet, *Opuscula* 4 (Paris, 1927), pp. 56-57), a reply to the *De periculis*, published in 1256.

THE SCRIPTURAL FOUNDATIONS OF JURISDICTION

In February 1256 a council of bishops successfully arbitrated a settlement of the University conflict which readmitted the Dominicans on terms generally favorable to the society of masters.¹⁸ This settlement proved transitory, for the pope repudiated it in June. In any case it had never mollified William of Saint-Amour, whose attacks on the mendicants assumed a new intensity and a new direction about this time. The council itself may have been the occasion for the launching of William's new program, which was aimed at the legitimacy of the friars' preaching mission. Henceforth the problem of the *vita apostolica* became a secondary theme in William's polemic. The new thesis appeared full-blown in the tract *De periculis novissimorum temporum*, which William published in March.

The main issue raised by the tract was the right of the friars to administer the *cura animarum*, a right which no one had seriously questioned before, since the friars were priests and operated under papal license. William's essential argument was a simple one. He asserted that all power to preach and administer the sacraments had been invested by Christ in the apostles and disciples and in their successors, who are the bishops and the parish priests respectively. These are the only two *ordines* in the Church which possess the *cura animarum*, and no other such *ordo* can ever be instituted. There might be delegates of the bishop, such as archdeacons and archpriests, but such delegates do not hold a *potestas* independent of the bishop's, and their commissions do not cross diocesan boundaries. But the preaching and sacramental commission given to the mendicant orders, if understood to override parish and diocesan boundaries, would constitute a third order; and such a commission would be invalid, because even the pope cannot interfere with the structure of the Church as established by Christ. Therefore the preaching mission of the mendicants must be understood to depend on episcopal approval.¹⁹

18 Denifle, *Chartularium* 1, no. 268 (pp. 304-305); Faral, 'Responsiones', art. 14 (345-46).

19 This doctrine is developed in the second chapter of the *De periculis* (ed. Bierbaum, *Betelorden*, pp. 6-13). William cites the Gloss on Lk 10: 'Sicut in 12 apostolis forma est episcoporum, sic in 72 discipulis forma est presbyterorum' (from PL 114. 284, derived from Bede and ultimately from Jerome). This formula associating the bishops and priests with the apostles and disciples respectively was a commonplace in the legal and theological literature of the thirteenth century. He also quotes D. 31 c. 2, a pseudo-Isidorian decretal attributed to Anacletus which asserts the same. (See Congar, 'Aspects ecclésiologiques', 60-66, for the history of this tradition.) 'Nec plures sunt in ecclesia gradus ad regendam ecclesiam constituti... Nullus ergo habet regimem (*sic*) animarum, nisi episcopi et parochiales presbyteri, aut eorum opitulatores eis opem ferentes, vel ab eis legitime instituti aut vocati. Sed dicet quis, omnes praedicare possunt, qui habent auctoritatem domini papae aut episcoporum diocesanorum.... Respondemus quod de

It may be mentioned that, from this time on, William's polemic was accompanied by a vehement apocalyptic element which provided the literary framework for the *De periculis* and also for the later *Collectiones catholicae*. The *De periculis* takes the form of a long commentary on 2 Tim 3, in which the friars are identified with the false apostles of the Last Times described by St. Paul.²⁰ William says that the proximity of the Last Times is indicated by the appearance in 1254 of the 'Eternal Gospel' heresy of the Sicilian friar Gerard, who allegedly claimed that the Gospel of Christ would be replaced by another Gospel in 1260. Shortly before William had accused Bonaventure of 'Joachism' because Bonaventure believed that a final state of the Church, marked by a return to the primitive condition of poverty, was imminent.²¹ Many friars used such language, and often accompanied it with references to the pseudo-Joachite prophecies then in circulation. When William attacked the friars as *joachitae*, it was not because they were serious students of the Abbot's thought, about which he probably understood little himself. He meant by this term that spirit of innovation and rejection of apostolic tradition which he thought characterized all mendicants; to associate their views with the name of Joachim was to remind his readers of the eschatological pretensions with which many friars cloaked their mission. That William should have tried to counter these pretensions by constructing an eschatological scheme of his own has struck many scholars as odd, and some have been inclined to dismiss this element as a rhetorical device. But the apocalyptic theme was persistent in William's writings, and there is no reason to doubt that he genuinely suspected the friars to be precursors of Antichrist.²² On

potestate domini papae aut episcoporum nolumus disputare Si forte dominus papa aliquibus personis concedat potestatem predicandi ubique, intelligendum est, ubi ad hoc fuerint invitati, quia etiam episcopi, nisi invitati fuerint ad hoc, ultra diocesim accedere non debent super aliquibus ecclesiasticis disponendis Et cum secundum apostolum nullus debeat gloriari in commissis alterius regimini, 2 Cor 10 Non est veresimile, quod dominus papa, contra doctrinam apostoli Pauli, infinitis vel pluribus licentiam concedat praedicandi plebibus alienis, nisi a plebanis fuerint invitati' This doctrine, like almost every part of the *De periculis*, was considerably expanded in William's *Collectiones catholicae* (c. 1265), and some sections of that work elucidate his meaning; see especially Dist. 1 (*Opera*, pp. 145 ff.). Here he admits that the pope, as *summus episcoporum*, can send extraordinary preachers through the several dioceses. But he holds that such commissions can be given only to *certain persons*; the pope cannot issue a general license to an entire order without the approval of the prelates.

20 *De periculis* 8 (ed. Bierbaum, *Bettelorden*, pp. 20-22). The verse from 2 Tim 3 had been used earlier to castigate the Waldenses and Beghards; see Alain de Lille, *De fide catholica* (PL 210.377-80), and R. E. Lerner, 'Vagabonds and Little Women: The Medieval Netherlandish Dramatic Fragment "De Truwanten"', *Modern Philology* 65 (1968) 301-306. Probably the association of this passage with vagabond preachers was already fixed. William may have been the first to apply it to the mendicant friars.

21 Delorme, *Bonaventuriana*, pp. 352-53.

22 Faral ('Responsiones', 375), McKeon ('University of Paris', 670), and Ratzinger (*Theology of History*, pp. 111-12) have suggested that the apocalyptic note in the *De periculis* is not to be

the other hand, this lurid strand in his thought has perhaps drawn more attention than it deserves, and it ought not to distract us from the serious canonistic basis of his argument.

As we have said, there were two points to this argument: that the *cura animarum* is invested exclusively in the two orders of episcopacy and priesthood; and that no third order might be added to these. The first point was dressed in very familiar language, for an ancient tradition attributed the foundation of the two orders to Christ's instructions to the apostles (Lk 9) and to the seventy-two disciples (Lk 10) respectively. In William's hands, this well-known principle took on an entirely different meaning, which he achieved simply by conceiving an order as a jurisdictional rather than as a sacramental entity. This new terminology enabled him to establish the second and much more radical point, which consisted in the claim that the ecclesiastical organization described in the New Testament was, in its basic structure, an *exclusive* model for the later Church.

In regard to the first point, it should be noted that the shift from a sacramental to a jurisdictional conception of office was hardly original with William. It was a general tendency in thirteenth-century legal thought, both ecclesiastical and secular.²³ Before the Paris controversies, the jurisdictional conception was not widely used in discussing the historical foundations of clerical orders, though the canonists had developed an elaborate terminology for the jurisdictional properties of office in other contexts. Earlier authorities, when speaking of the apostolic succession of the episcopal order, or the succession of the priestly order from the disciples of Christ, had interpreted *ordo* in the ancient sacramental sense: Christ's institution of the two orders meant their endowment with certain sacramental powers. According to that definition, no one would have denied that the mendicant friars belonged to the priestly order. This point was somewhat obscured by William's old-fashioned terminology: like Gratian and the older Decretists, he used the words *potestas*, *auctoritas*, and *regimen* as interchangeable and generalized terms for all aspects of a bishop's powers, making no use of the

taken seriously. But William's writings show a recurrent interest in schemes of historical periodization and a strong belief that the present age is the climactic age of world history: see *Opera*, pp. 128-31, 496. This conviction naturally imparted to his thought a certain eschatological urgency, an attitude which was of course not uncommon. William's apocalyptic expectations were derived from traditional sources and were of the traditional pessimistic sort, quite unlike the vague 'Joachite' belief in a final eschatological renewal which was currently fashionable among some mendicants (for which consult Marjorie Reeves, *The Influence of Prophecy in the Later Middle Ages*, Oxford, 1969).

23 For the separation of jurisdictional from sacramental functions in the writings of the canonists, see Robert L. Benson, *The Bishop-Elect: A Study in Medieval Ecclesiastical Office* (Princeton, 1968), pp. 45-55, 64-71, 116-49, 373-85; and M. van der Kerckhove, 'La notion de juridiction chez les décrétistes et les premiers décrétalistes', *Etudes franciscaines* 49 (1937) 420-55.

canonists' complex distinctions. But there is no doubt that what he had in mind corresponds to what the canonists called *jurisdictio* or *administratio*. The *sacerdotes secundi ordinis* he identified with the *curati*; the establishment of the two orders of Christ meant to him the institution of the diocese and the parish. Thus he was able to describe the preaching commission given to the mendicants as constituting a new order (jurisdiction) which had no foundation in the New Testament.

This jurisdictional conception of office was taken for granted by both sides in the controversy. Bonaventure, in his debate with William in 1255, did not attempt to place the mendicants among the disciples of Christ, but instead affiliated them to the *opitulationes* mentioned by St. Paul.²⁴ The universal acceptance of this terminology suggests that it was already well established in the Paris schools. In itself it created no embarrassment for the friars. To accept it was to admit that the mendicant orders could claim no place among the orders instituted by Christ; their authority to preach and administer the sacraments was a creation of the Church. This was not an admission necessarily unfavorable to the friars' position, unless it were assumed that the primitive model of ecclesiastical organization was an exclusive one to which no later additions might be made.

William of Saint-Amour proceeded unhesitatingly to that assumption. This was his most original and most effective argument. He claimed that there could be no *ordines* possessing the *cura animarum* in their own right, other than the parochial and diocesan structure established by Christ. He found support for this thesis in the pseudo-Isidorian decretal outlawing *chorepiscopi* attributed to Pope Damasus, D. 68 c. 5: 'Nam non amplius quam duos ordines inter discipulos Domini esse cognovimus, id est duodecim apostolorum et septuaginta duorum discipulorum; unde iste tertius ordo processerit, funditus ignoramus.'²⁵

William's interpretation of this decretal seems the obvious one; but the canonists had generally interpreted it in a directly contrary sense. Since the right of the Church to create minor orders was widely attested in the canon law, they could not have accepted an interpretation which denied the legitimacy of orders outside those of the apostles and disciples. Gratian had proposed a way out of this difficulty by suggesting that the *chorepiscopi* were abolished simply for abuse of their office (D 68 c. 5), implying that there had been nothing wrong with in-

24 Bonaventure, *Opera* 5. 147, 149. He describes authority as *dupliciter*: the one sort is *ex prima institutione*, and belongs to the bishops and parish priests; the other may be called commissioned authority or *subauctoritas*, and belongs to those who were commissioned by the apostles, such as Titus, and to those commissioned by the pope, such as the mendicant preachers. *Opitulationes* are referred to in 1 Cor 12:28.

25 *De periculis* 2 (ed. Bierbaum, *Bettelorden*, p. 9).

stituting them in the first place nor would there have been anything wrong had they behaved themselves. The *Glossa ordinaria* to the *Decretum* compiled c. 1245 by Bartholomew of Brescia accepted this opinion, attempted ingeniously to square it with the wording of Damasus, and explicitly upheld the unlimited right of the Church to create new orders where it sees fit and to remove any institution where it sees fit, even one of apostolic foundation.²⁶ Thus the standard commentary on this passage interpreted it so as to favor change and evolution in ecclesiastical institutions, an interpretation in line with the mainstream of canonistic thought of the past century.

The canonistic tradition was taken up by the mendicant theologians who replied to William. They claimed for the pope the right to found any new orders or jurisdictions he thought suitable. They did not actually assert that the mendicants constituted a new *ordo* in William's sense of the word; rather, following the lead of Bonaventure, they claimed for themselves only a commissioned authority of the kind that had always existed within the hierarchy. Nevertheless they also argued that the pope could, in principle, establish permanent jurisdictions outside the parochial-diocesan system if such seemed necessary. The papal prerogative to ignore tradition and set up new institutions had perhaps never been defended in so sweeping and comprehensive a manner as in these mendicant apologetics.²⁷

26 The glossator solves the problem neatly by interpreting Damasus' *ignoramus* as an expression of indifference rather than of disapproval; it is as though he were saying, 'We do not know where this order came from, but wherever it came from we abolish it.' According to the glossator, this shows that any institution felt to be onerous can be abolished, even if instituted by the apostles themselves, as the *chorepiscopi* may well have been for all Damasus knew (*Glossa ordinaria* of Bartholomew of Brescia, D. 68 c. 5, s. v. 'Chorepiscopi').

27 The fullest response to William's jurisdictional arguments is that presented in the *Contra impugnantes* of Thomas Aquinas. Aquinas argues that the mendicants have only a commissioned authority, not ordinary authority, and therefore they cannot be compared to the *chorepiscopi*. But he also argues, like the glossator, that there was nothing wrong with the *chorepiscopi* in themselves; the Church has a right to institute new jurisdictional spheres, just as it has a right to institute new grades of holy orders ('Nihilominus tamen et si duo ordines tantum essent instituti a Domino, qui possent praedicare propria auctoritate, posset tamen Ecclesia tertium ordinem statuere praedicatorum ... sicut etiam in primitiva Ecclesia fuerint soli duo ordines sacri, scilicet presbyteri et diaconi, et tamen postea Ecclesia minores sibi ordines instituit ...' [ed. Mandonnet, *Opuscula* 4.50]).

Bonaventure did not reply directly to the *De periculis*, nor did he consider the jurisdictional argument in his *Apologia pauperum* of 1269; but, as we have seen, he had already defended the legislative and discretionary powers of the papacy in strong terms during his debate with William in 1255. The official Franciscan response to William, the tract *Manus quae contra omnipotentem tenditur* of Thomas of York, also defended the papal prerogative to change previous law (ed. Bierbaum, *Bettelorden*, especially pp. 137-40); but Thomas does not seem to understand the argument of the *De periculis* very well, or perhaps knew it only at second hand, and he does not deal with William's positions so thoroughly as does Thomas Aquinas.

CONCLUSION

William's doctrines survived his disgrace and banishment in 1256. They were greatly expanded ten years later in his monumental *Collectiones catholicae*, and were revived by his disciples at Paris in the renewed anti-mendicant campaign of 1269-72. Thereafter William's writings became the standard texts of anti-mendicant polemic, drawn upon by every enemy of the friars in the fourteenth and fifteenth centuries; their influence did not entirely die until the seventeenth.

In several ways it is correct to think of William as a reactionary thinker: he was a defender of established local institutions against the growing centralized power of the papacy and the mendicant orders, and his intellectual orientation was self-consciously backward-looking. Essentially he tried to reaffirm those traditional assumptions of theology and law that stressed the supreme importance of Scripture and apostolic foundation. He denounced innovation and discretionary authority, and evoked the apostolic ideal against current practices, in a fashion which had probably been uncommon in the schools since the force of the great monastic reform had ebbed away a century earlier. Of course, arguments like William's had never ceased to be made in the highest intellectual and administrative circles; a few years earlier, Robert Grosseteste, speaking at the papal curia, had opposed the divine law of Scripture to the positive law of the glosses and decretals in terms which seem close to William's.²⁸ But this was not the usual tone in which problems of Church government were discussed in the world of the canon lawyers; faith in apostolic tradition as the ultimate sanction had been replaced by reliance on papal discretion and rational jurisprudence. William's polemics were an attempt to reverse that trend.

But he also gave a new meaning to the ancient ideal of apostolic tradition. In his hands it became a precise juridical concept, rather than a vague reverence for precedents and 'authorities', and it was applied in a novel way to the whole problem of Church polity. It seems correct to recognize in this doctrine a precursor of the fateful 'argument from silence': the belief that the silence of the Scriptures about many subjects forbids rather than allows elaboration on the part of the faithful. The ideal of the primitive Church was transformed from a vague doctrinal and moral starting point to a concrete organizational model which could serve as a weapon against the institutions of the contemporary Church.

Boston University.

²⁸ W. A. Pantin, 'Grosseteste's Relations with the Papacy and the Crown' in *Robert Grosseteste: Scholar and Bishop*, ed. D. A. Callus (Oxford, 1955), pp. 178-215, especially pp. 213-14.

A SECOND NEW LIST OF BENEVENTAN MANUSCRIPTS (I)

Virginia Brown

IN 1962 E. A. Lowe published a list¹ of items in Beneventan writing that had come or been brought to his attention after the appearance, in 1914, of his magisterial *The Beneventan Script*. This 'New List' rekindled interest in the search for Beneventan manuscripts, and a number of recent studies record the discovery of more hitherto unknown specimens.

The present article is the byproduct of work undertaken from 1973 through 1976 in connection with the second edition of *The Beneventan Script*.² A review of the 'Hand List of Beneventan MSS.' given in the first edition (pp. 334-70) soon made it clear that, apart from the findings set forth in the 'New List' and elsewhere, there were many other items to be included. Some of these had already been communicated privately to Dr. Lowe and noted in his personal copy of the 'New List',³ while others were reported by various scholars who were aware of the project to reissue *The Beneventan Script*; still others came to light during my own investigations.

Manuscripts and fragments that have been discovered since the first edition of the book will, of course, be noted in the revised 'Hand List of Beneventan MSS.'. Such entries, however, are necessarily brief, and it seemed advisable to follow Dr. Lowe's example in the 'New List' and to prepare an inventory in which the additional new items (that is, those not found in the 'New List') are assembled and described as fully as possible so as to call attention to them and, at the same

1 'A New List of Beneventan Manuscripts' in *Collectanea Vaticana in honorem Anselmi M. Card. Albareda a Bibliotheca Apostolica edita* (Studi e Testi 220; Vatican City, 1962), pp. 211-44 and 6 plates.

2 To be published by Edizioni di Storia e Letteratura. I am grateful for financial assistance from Mrs. Patricia Lowe on behalf of the E. A. Lowe estate and for a Research Grant from The Canada Council which enabled me to examine manuscripts in Italian libraries during the summers of 1973 and 1974. Much of the material for this article was collected during that period.

3 After his death on 8 August 1969 Dr. Lowe's books and papers were removed to the Pierpont Morgan Library which had previously purchased them. They are still uncatalogued (as of July 1977). Mr. John Plummer has kindly supplied photocopies of relevant information.

time, facilitate the eventual reunion of *membra disiecta*. Hence this 'Second New List' consisting of approximately 275 separate entries, of which all but about twenty-five (excluding palimpsests) are fragmentary.

As was the case with the 'New List', most of the items given below are liturgical or patristic in content.⁴ Three new manuscripts of classical authors have been identified, namely, Assisi 706 (Apuleius), Laurentianus Strozzi 49 (Sallust, Cicero) and 50.10 (Cicero), in addition to a folio containing the *Georgics* of Virgil (San Francisco, Bernard M. Rosenthal Collection). The last two mentioned display the 'Bari type' of script, and some other examples of this Beneventan variation are Bari Exultet Roll 2, Budapest K 394 (Breviarium), and Vatic. lat. 3032 (fly-leaves, Vitae sanctorum). Vienna Theol. gr. 137 (Gregorius Magnus, Dialogi) is of special interest because Greek and Beneventan were copied in alternating columns. Also worthy of note is the relatively large number of codices dating from the fourteenth, fifteenth, and sixteenth centuries; among them are Vatican Library Barb. lat. 517 and Borgianus lat. 356 and Naples, Biblioteca della Società napoletana di storia patria Cuomo MSS. 2-4-10 and 2-4-12.⁵

The arrangement of the data supplied for each entry is modeled on the format of the 'New List'. A date assigned to a Beneventan item on the authority of a scholar other than Dr. Lowe is set off by quotation marks. Wherever the condition of the item permitted and it was possible to obtain the information from scholars, photographs, or personal inspection, there are provided the number and measurement of folios (the figure in parentheses indicates the script area) together with the number of columns and lines. Italics signify that the Beneventan portion of a manuscript consists of merely a note or a *probatio pennae*. Some bibliography is cited, especially if photographic reproductions are involved, but references to catalogues are generally omitted.⁶ On pp. 278-89 below there is an Appendix dealing with manuscripts which have been erroneously alleged to be either 'new' (not given in *The Beneventan Script* or the 'New List') or in

4 In both *The Beneventan Script* and the 'New List' Dr. Lowe was concerned with 'literary' and 'liturgical' manuscripts as opposed to those which may be classified rather as 'documents' (an exception being made, for the 'New List', in the case of Dalmatian charters). This practice has been followed here, and consequently the 'Second New List' does not contain the items studied by G. Rossi, 'Un frammento in scrittura beneventana dell'Archivio della Curia Arcivescovile di Amalfi', *Atti della Accademia Pontaniana* N.S. 23 (1974) 213-17 and 1 plate ('Inventarium de bonis monasterii s. Laurentii', 2 folios numbered '9' and '10' in MS. 6), and G. Orlandi, 'Frammento bombicino di epistola latina proveniente dall'Egitto', *Studi medievali*, 3rd Ser., 16 (1975) 781-85 and 2 plates (a letter addressed to a 'dominus Marius', now the property of the Università degli Studi, Milan and unavailable at present).

5 I am currently preparing a palaeographical study of these late manuscripts.

6 See *The Beneventan Script*² for 'Selected Bibliography' (post 1914) compiled and arranged according to the system used by Dr. Lowe for the 'Selected Bibliography' in his *Codices latini antiquiores*.

Beneventan. Information is also included on manuscripts reported as missing by Dr. Lowe and others, and notice is given of manuscripts which were examined by them but are no longer available.

For the 'Second New List' every effort was made to verify the data furnished for each item and to examine *in situ* as many of them as possible. Nonetheless, given the fact that the overwhelming majority are fragments and therefore present special difficulties as to contents and date,⁷ it would be presumptuous to think that this list is free of flaws. Corrections of errors and inaccuracies will be gladly received. Equally welcome will be information regarding manuscripts and fragments listed as missing or which do not appear here. More Beneventan items will surely be discovered, and, when enough material has been collected, supplementary lists, together with updated information on previously known items, will be published in *Mediaeval Studies*.

The names of scholars, librarians, and friends appear after the items they have contributed: without their generous co-operation the 'Second New List' would be much less complete. To all of them I should like to express my gratitude for their assistance, and particularly to don Faustino Avagliano, O.S.B., rev. dott. Graziano Bellifemine, Professor Bernhard Bischoff, Professor Julian Brown, dott. Guglielmo Cavallo, dott. Attilio De Luca, Dom Réginald Grégoire, O.S.B., and Professor C. E. Murgia.

* * *

The following abbreviations have been used for works frequently cited:

Censimento I = L. Avitabile - M. C. Di Franco - V. Jemolo - A. Petrucci, 'Censimento dei codici dei secoli XI-XII', *Studi medievali*, 3rd Ser., 9 (1968) 1115-94.

De Luca, 'Frammenti' = A. De Luca, 'Frammenti di codici in beneventana nelle Marche' in *Miscellanea in memoria di Giorgio Cencetti* (Turin, 1973), pp. 101-40 and 16 plates.

Di Franco-Jemolo-Avesani, 'Nuove testimonianze' = M. C. Di Franco - V. Jemolo - R. Avesani, 'Nuove testimonianze di scrittura beneventana in biblioteche romane', *Studi medievali*, 3rd Ser., 8 (1967) 857-81 and 13 plates.

Finch, 'More Beneventan Manuscripts' = C. E. Finch, 'More Beneventan Manuscripts', *The Classical Bulletin* 52 (1975) 8-10.

Grégoire, 'Repertorium' = R. Grégoire, 'Repertorium liturgicum italicum', *Studi medievali*, 3rd Ser., 9 (1968) 465-592.

Huglo, 'Liste complémentaire' = M. Huglo, 'Liste complémentaire de manuscrits bénéventains', *Scriptorium* 18 (1964) 89-91.

⁷ In this regard it is prudent to recall Dr. Lowe's conclusion in *The Beneventan Script*, pp. 315-16: 'Experience teaches that it is impossible to be certain of the date of a MS. from a specimen of one or two pages, since contemporary hands occasionally show in the same MS. so marked a difference in style and skill as to seem several generations apart.'

- Lowe, *The Beneventan Script* = E. A. Lowe, *The Beneventan Script. A History of the South Italian Minuscule* (Oxford, 1914).
- Lowe, 'New List' = E. A. Lowe, 'A New List of Beneventan Manuscripts' in *Collectanea Vaticana in honorem Anselmi M. Card. Albareda a Bibliotheca Apostolica edita* (Studi e Testi 220; Vatican City, 1962), pp. 211-44 and 6 plates.
- Salmon, *MSS. liturgiques* = P. Salmon, *Les manuscrits liturgiques latins de la Bibliothèque Vaticane*, 5 vols. (Studi e Testi 251, 253, 260, 267, 270; Vatican City, 1968-72).

* *

AGNONE

Biblioteca Emidiana: S.N. Homiliarium. 'Saec. X'. A bifolium, of which 3 pages are in Beneventan, 540 × 330 mm. (c. 300 × 200 mm.), 2 cols., 29, 30 lines. Cf. Grégoire, 'Repertorium', 472. (C. Orlando, G. Petrocchi, P. O. Kristeller)

AGRAM (see ZAGREB)

ASCOLI PICENO

Archivio di Stato (Our knowledge of these fragments is owing to *dott. A. De Luca* who also supplied the following descriptions; cf. his 'Nuove testimonianze di scrittura beneventana nelle Marche', *Studi medievali*, 3rd Ser., 18 (1977), with plates.)

Fondo notarile Acqua Santa. Vita ss. Simplicii, Faustini, Beatricis. 'Saec. XI/XII' 1 folio, formerly serving as the cover of vol. 4 (documents copied by the notary Andreas Politianus for the years 1588-90); 363 × 250 mm. (325 × 203 mm.), 2 cols., 34 lines.

Fondo notarile Acqua Santa. Vita ss. Chrysanthi et Dariae. 'Saec. XI/XII' 2 folios, formerly serving as covers of vols. 1364 (documents copied by the notary Bernardus Roccatonus for the years 1592-94) and 3 (documents copied by the notary Andreas Politianus for the years 1591-92); 365 × 250 mm. (312 × 202 mm.) and 360 × 250 mm. (312 × 200 mm.), 2 cols., 33 lines.

Fondo notarile Acqua Santa. Vita s. Gregorii. 'Saec. XI/XII' 1 folio, formerly serving as the cover of vol. 19 (documents copied by the notary Mandricardus Roccatonus for the years 1588-93); 365 × 255 mm. (325 × 209 mm.), 2 cols., 33 lines.

Fondo Notarile Ascoli Piceno. Vita ss. Caeciliae, Valeriani, Tiburtii. 'Saec. XI/XII' 1 folio, formerly serving as the cover of vol. 1363 (documents copied by the notary Bernardus Roccatonus for the years 1589-91); 363 × 250 mm. (322 × 209 mm.), 2 cols., 33 lines.

Fondo Notarile Ascoli Piceno. Psalterium. 'Saec. XI'. 2 bifolia, formerly serving as the covers of vols. 637 (documents copied by the notary Franciscus Rubeus for the year 1554) and 638 (documents copied by the same notary for the year 1555); now measuring 243 × 300 mm. and 250 × 353 mm. (170 × 113 mm.), 1 col., 17 lines.

ASSISI

Biblioteca Comunale: MS. 706.¹ Apuleius, *Apologia* (3-9, 16-18, 25, 26, 38-39, 40, 43-48, 55-64). Saec. XI in. 10 folios, 303 × 187 mm. (243 × 114 mm.), 1 col., 32 lines. Formerly used as covers for documents copied by the notary Flaminio Benigni (saec. XVI med.). Cf. L. Pepe, 'Un nuovo codice di Apuleio del sec. XI (Bibl. Comun. Assisi n. 706)', *Giornale italiano di filologia* 4 (1951) 214-25 and plate (fol. 3v); D. S. Robertson, 'The Assisi Fragments of the *Apologia* of Apuleius', *Classical Quarterly* N.S. 6 (1956) 68-80. (G. Muzzioli, G. Cavallo)

BAMBERG

Staatsarchiv: MS. A 246, nr. 21. Orosius, *Historiae adversus paganos* (VII, capp. 33.1-37.10). 'Saec. IX med.' 3 bifolia numbered '1-6', composed of 35 strips of parchment which had formerly been used to strengthen MS. B 86, nr. 233; 2 cols. (width of 1 col. 73-76 mm.), 25-26 lines surviving. Estimated size of codex: 334-338 × 220 mm., 2 cols., 29 lines. Probably from the same manuscript as the missing Orosius fragments belonging to the Stiftsbibliothek, St. Paul in Carinthia (see p. 286 below). Cf. R. M. Kloos, 'Bamberger Orosius-fragmente des 9. Jahrhunderts' in *Festschrift Bernhard Bischoff zu seinem 65. Geburtstag dargebracht von Freunden, Kollegen und Schülern*, ed. J. Autenrieth - F. Brunhölzl (Stuttgart, 1971), pp. 178-97 and pls. 9, 10 (fols. 2v, 5). (V. Brown)

BARI

Archivio del Duomo: Exultet Roll 2. Saec. XI ex. Bari type. The script was erased after the Preface, and the codex rewritten by an Italian Gothic hand, saec. XIII. Cf. M. Avery, *The Exultet Rolls of South Italy*, vol. 2: *Plates* (Princeton, 1936), pp. 14-15 and pls. 17-23 (V. Brown)

Archivio di San Nicola: MS A.1.² Hymnarium (fols. 3-56); Orationale (fols. 56v-90v). 'Saec. XIII. Bari type.' The front fly-leaves (fols. 1-2r) con-

1 This item is the fragment that was cited as 'missing' by Lowe, 'New List', 233, under Rome, Biblioteca Casanatense S.N., and described as 'patristica' by Huglo, 'Liste complémentaire', 89. It has been included in the 'Second New List' for the sake of convenience and a fuller description.

2 Rev. dott. G. Bellifemine is preparing a study, with plates, of the manuscript.

tain a prayer and two hymns in Beneventan 'saec. XIII, XIV'; the back fly-leaves (fols. 91-92v), part of a Lectionarium, are in Beneventan 'saec. X'. Cf. Huglo, 'Liste complémentaire', 89.

BENEVENTO

Archivio di Stato

S.N. Daniel (3:21-4:32; 7:3-11, 13-24; 7:27-8:20; 10:12-11:12; 11:12-36). 'Saec. XI'. 2 bifolia numbered 1-4, 425 × 315 mm. (330 × 223 mm.), 2 cols. (width of 1 col. 95 mm.), 30 lines; 2 mutilated bifolia, c. 275 × 250 mm., 2 cols., 24 lines surviving. Presently kept, together with the fragments comprising the next item, in a folder with the title 'Frammenti di codici recuperati dalla copertina di protocolli notarili (Notaio Maiale Geronimo, 1540-1570)'. Cf. P. Caporale, 'Un frammento di codice biblico in scrittura beneventana', *Annali dei padri lettori* 1966-67, pp. 93-97 (= *Euntes docete* 25 (1972) 504-508). (*P. Mayo*)

S.N. Evangelium. 'Saec. XII'. Remains of 6 bifolia and 5 folios, some of which are numbered ('9-19'), the largest measuring 435 × 323 mm. (305 × 210 mm.), 2 cols. (width of 1 col. 91 mm.), 27-33 lines. For the title of the folder in which the fragments are kept at present, see the preceding item. (*P. Mayo*)

Biblioteca Capitolare: MS. VI 35, fol. 202. Graduale. 'Saec. XI'. 306 × 168 mm. (205 × c. 115 mm.), 1 col., 14 lines. Cf. Grégoire, 'Repertorium', 480. (For the contents and date of the rest of the manuscript cf. Lowe, *The Beneventan Script*, p. 336.)

BERKELEY

University of California, Bancroft Library (Our knowledge of these fragments is owing to *Professor C. E. Murgia* who also supplied the following descriptions; the last three items were formerly in the collection of Mark Lansburgh, and the first leaf 'probably' belonged to him as well.)

ff 2 MS A2M2 1000:3. Synopsis evangelii (?). 'Saec. XII'. 1 mutilated folio, now measuring 269 × 125 mm. (height 238 mm.), 2 cols. (width of 1 col. 60 mm.), 28 lines. Bought from B. M. Rosenthal in March 1964.

ff 2MS A2M2 1000:6. Liturgica, with neums. Saec. XI (?). 1 mutilated and faded folio, now measuring 240 × 103 mm., 1 col., 13 lines surviving. Bought at the Sotheby sale of 11 July 1966 (lot 189, item 5).

ff 2MS A2M2 1000:8. Hieronymus, Prologus commentarii in Mattheum. 'Saec. XIII'. 1 folio, 310 × 200 mm. (245 × 140 mm.), 2 cols., 30 lines. Bought at the Sotheby sale of 11 July 1966 (lot 189, item 3).

ff 2MS A2M2 1100:19. Liturgica. 'Saec. XII'. Part of a very large folio, now measuring 300 × 210 mm., 1 col., 23 lines surviving. Bought at the Sotheby sale of 11 July 1966 (lot 189, item 4; cf. plate in sales catalogue).

BITONTO

Biblioteca Comunale: MS. A.45. Evangelarium. 'Saec. XI/XII. Bari type.' Cf. D. A. De Capua, *La Biblioteca Comunale 'Vitale Giordano'. Cenni storici, fondazione, incremento patrimoniale e sue vicende fortunate* (Palo del Colle, 1973), p. 117 and pls. 38, 39. (C. Bargellini)

BOLOGNA

Biblioteca del Civico Museo Bibliografico Musicale G. B. Martini

MS. Q 1 (fragments) (*R. Grégoire*)

- (i) Framm. 1, 12. Antiphonarium. 'Saec. XI ex.' Parts of 2 folios, 426 × 132 mm. and 432 × 148 mm., 1 col., 11 lines.
- (ii) Framm. 2, 8, 9. Antiphonarium. 'Saec. XII'. Parts of at least 2 folios, 450-430 × 160-165 mm. (height 358 mm.), 1 col., 8 lines.

Cod. 1 (MS. Q 3, fragments) (*R. Grégoire*)

- (i) Framm. 28, 70. Antiphonarium. 'Saec. XII'. 1 folio (framm. 28), now measuring 308 × 198 mm. (width 168 mm.), 1 col., 9-10 lines; 3 strips mounted so as to constitute 1 fragment (framm. 70) and measuring respectively 56 × 250 mm., 42 × 250 mm., 43 × 250 mm. (width c. 170 mm.), 2, 2, and 1 lines surviving.
- (ii) Framm. 71. Antiphonarium. 'Saec. XII²'. Upper part of 1 folio, 192 × 245 mm. (width 148 mm.), 1 col., 16 lines surviving.

Cod. 144 (MS. Q 10, fragments), framm. 3. Antiphonarium. 'Saec. XI'. 1 mutilated folio, 212 × 145 mm., 1 col., 9 lines surviving. (*R. Grégoire*)

Biblioteca Universitaria

MS. 596 HH 1 (fragments) (*M. A. Fornieri*)

- (i) Liturgica, with neums. 'Saec. XIII'. 2 mutilated folios, 284 × 200 mm. and 152 × 197 mm., 2 cols. (width of 1 col. c. 88 mm.), 28 and 17 lines surviving.
- (ii) Liturgica. 'Saec. XIII'. 1 strip, 32 × 146 mm., 2 cols., 1 line surviving. Removed from A. V. Caps. 113, 34 (*Sex linguarum... dilucidissimus dictionarius*, Venice, 1568).

MS. 2551, fol. 34. Graduale. 'Saec. XI'. 1 folio, serving as a back fly-leaf, now measuring 248 × 161 mm. (width 127 mm.), 1 col., 12 lines surviving. The main text, saec. XIII, contains Versiculi et responsoria in processionibus et missis. Cf. Huglo, 'Liste complémentaire', 89.

BRINDISI

Biblioteca Annibale De Leo: Fondo manoscritti, cartella recuperi pergamenei, I (*R. Jurlaro, G. Cavallo*)

- (i) Fol. 1a. Homiliarium. 'Saec. XI². Bari type.' 400 × 290 mm., 2 cols., 33 lines. Formerly used as a cover for a baptismal register.
- (ii) Fol. 2a. Homiliarium. 'Saec. XI². Bari type.' Now measuring 305 × 220 mm., 2 cols., 29 lines surviving. Recovered from a baptismal register.

BUDAPEST

Magyar Tudományos Akadémia Könyvtára (Library of the Hungarian Academy of Sciences): **MS. K 394** (formerly **Cod. lat. 8° 5**). Breviarium. 'Saec. XI ex. Written at Zara, Bari type.' Cf. M. Grgić, 'Dva nepoznata Svetomarijska rukopisa u Budimpešti' in *Kulturna baština samostana svete Marije u Zadru* (Zara, 1968), pp. 167-223 (English summary, pp. 225-27) and pls. 5, 6a, 7a, 8a, 9a, 10a, 11a, 12a, 13a, 14 (fols. 16v, 17, 2v, 23, 27v, 48, 56v, 69v, 74, 96, 96v, 103v). (*V. Brown*)

CAIAZZO

See under **Vatican City**, **Vatic. lat.** 14446, 14726, 14728, 14730.

CAMBRIDGE

Peterhouse: MS. 206 (on deposit in the University Library), strip between fols. iv (fly-leaf) and 1. Unidentified text. Undetermined date. 285 × 5-10 mm., traces of 31 lines with at most 3 letters visible on each line. The main text, saec. XIII and XIV, contains Robertus Kilwardby, *Commentaria varia*. (*R. J. Tarrant*)

Trinity College: MS. B.9.3. Palimpsest, lower script of fols. 138, 137. Unidentified text. 'Saec. XI'. A bifolium, 330 × 220 mm. (245 × 145 mm.), 1 col., 40 lines. Upper script is Greek and contains a menaeum. (*G. Cavallo, T. A. M. Bishop*)

CAMERINO

Archivio di Stato: S.N. Homiliarium. 'Saec. XIII'. 2 folios, 365-362 × 250 mm. (330 × 208 mm.), 2 cols., 35 lines. Cf. A. De Luca, 'Nuove testimonianze di scrittura beneventana nelle Marche', *Studi medievali*, 3rd Ser., 18 (1977), with plates. (*A. De Luca*)

CANOSA DI PUGLIA

Cattedrale, Tesoro: S.N. Orationale. 'Saec. XII med.' Formerly in the Archivio Capitolare, Trani. Cf. G. Battelli, 'L'orazionale di Trani', *Benedictina* 19 (1972) 271-87 and 2 plates (fols. 7, 33). (*G. Bellifemine*)

CAPESTRANO

Convento S. Giovanni, Reliquario di S. Giovanni: MS. LXII. Liturgica, with neums. 'Saec. XII'. 1 folio pasted to the inside cover, now measuring c. 180 × c. 130 mm., 1 col., 15 lines. The main text, saec. XIV, contains a Breviarium. Cf. A. Chiappini, 'Reliquie letterarie capestranesi: storia, codici, carte, documenti', *Bullettino della R. Deputazione abruzzese di storia patria*, 3rd Ser., 9-10 (1918-19) 140-41. (V. Brown)

CATTARO (see KOTOR)

CAVA

Archivio della Badia della Santissima Trinità

MS. 15. Commentarius in Psalmos 4-50. 'Saec. XII'. (V. Brown)

MS. 20, fols. 1v-144. Ps.-Clemens, Recognitionum libri X. 'Saec. XII'. Fols. 145-262v, in Gothic saec. XIV, contain Zacharias Chrysopolitanus, Concordia evangelistarum. Cf. M. Rotili, *La miniatura nella Badia di Cava*, vol. 1: *Lo scrittorio. I corali miniati per l'Abbazia* (Cava dei Tirreni-Naples, 1976), pp. 27-28, 103-104, color pls. 7, 8 (fol. 96v and details of fols. 7, 86v), and pl. 9 a, b (details of fols. 82, 114v). (V. Brown)

MS. 38. *Missale monasticum. Saec. XIII.* There are Beneventan entries (*Orationes, Excerpta biblica etc.*) on fols. 7v and 153v. (B. E. Levy)

CHARLOTTESVILLE (Virginia)

Marvin L. Colker Collection: MS. 119. Gregorius Magnus, Moralia in Iob (4.27.49-53). Saec. XI. Lower half of 1 folio, now measuring 220 × 308 mm., 2 cols., 21 lines surviving. Bought from Maggs Bros., Ltd., who purchased the fragment in the Sotheby sale of 12 December 1966 (lot 156). (M. L. Colker)

CHUR

H. F. Jossi Collection: S.N. Missale. 'Saec. XII'. 1 folio, now measuring 187 × 143 mm. (178 × 110 mm.), 1 col., 23 lines. Bought from the Galerie Fischer, Lucerne on 15 June 1970; cf. sales catalogue, no. 13 and pl. 7. (B. Bischoff)

COIMBRA

Biblioteca Geral da Universidade: Fragm. S.N. Missale, with neums. 'Saec. XIII'. 1 folio numbered '12', now measuring 373 × 243 mm. (285 × 200 mm.), 2 cols., 24 lines. Cf. Huglo, 'Liste complémentaire', 89.

COLOGNE

Historisches Archiv: MS. W8, front fly-leaf. Genesis 31:35-39. 'Saec. XI ex. Bari type.' 1 mutilated folio (of which 1 side is blank), bound upside down, now measuring 163 × 114 mm., 1 col., 14 lines surviving. The main text, saec. XIV/XV, contains Iohannes de Saxonia, Sermones de tempore et de sanctis and Communes sanctorum sermones. Cf. R. B. Marks, *The Medieval Manuscript Library of the Charterhouse of St. Barbara in Cologne 2* (Analecta Cartusiana 22; Salzburg, 1974), pp. 226-27. (R. B. Marks, J. J. John)

COLORADO SPRINGS

Mark Lansburgh Collection: S.N. Sacramentarium. 'Saec. XII'. 1 folio, 362 × 250 mm., 2 cols., 30 lines. Cf. R. G. Calkins, *A Medieval Treasury. An Exhibition of Medieval Art from the Third to the Sixteenth Century. Andrew Dickson White Museum of Art, Cornell University, Ithaca, New York, October 8 - November 3, 1968; Munson-Williams-Proctor Institute, Utica, New York, November 10 - December 8, 1968* (Ithaca, N.Y., 1968), pp. 116-17, no. 25 and pl. 25. (M. Lansburgh)

COPENHAGEN

Kongelige Bibliotek

MS. Fragm. 19, acc. 1957/140. Tobias (2:16-4:22); Iudith (5:8-6:19). 'Saec. XII'. A bifolium, 345 × 213 mm. (275 × 156 mm.), 2 cols., 34 lines. Acquired in 1957. (L. Bieler)

MS. Fragm. 20, 12. Vitae patrum (5.10.5-10, 18-22). 'Saec. X'. Upper part of 2 folios, now measuring 175 × 210 mm. and 190 × 212 mm. (width c. 155 mm.), 1 col., 14 and 16 lines surviving. (L. Bieler)

MS. Fragm. 20, 14. Homiliarium (Augustinus in Iohannem). 'Saec. XII'. Lower part of 1 folio, now measuring 250 × 292 mm. (width 200 mm.), 2 cols., 18 lines surviving. (L. Bieler)

CREMONA

Archivio di Stato: Archivio Notarile, Fragmenta codicum 1. Ps.-Apuleius, Herbarium. 'Saec. X ex.' A bifolium, 273 × 195 mm., 2 cols. (width of 1 col. c. 35 mm.), 12 lines and 1 col. (width c. 150 mm.), 20, 20, 15 lines. Transferred in 1958 from the Archivio Notarile to its present location. Cf. E. Cau, 'Frammenti cremonesi in scrittura beneventana', *Ricerche medievali* 4-5 (1969-70) 21-34 and pls. 1-4. (G. Cavallo)

Biblioteca Statale

Fragmenta codicum 1. Missale, with neums. 'Saec. XIII'. 1 folio, 305 × 225

mm. (267 × 172 mm.), 2 cols., 26 lines. Formerly used as a fly-leaf. Cf. Cau (cited from the preceding item), 'Frammenti cremonesi', 35-38 and pl. 5 (verso). (*G. Cavallo*)

Fragmenta codicum 2. Commentarius in Matthaeum. 'Saec. XIII'. 1 folio, 430 × 283 mm. (308 × 200 mm.), 2 cols., 31 lines. Formerly used as a cover for a register. Cf. Cau, 'Frammenti cremonesi', 35 and n. 1. (*R. Grégoire*)

DUBROVNIK (RAGUSA)

Dominikanski Samostan: MS. 72 (36-1-24). Fols. 320-362 are palimpsest, and in some cases (e.g. fol. 344r-v) the lower script is Beneventan. Upper script, saec. XIV, contains Sermones. Cf. T. Kaeppli - H.-V. Shooner, *Les manuscrits médiévaux de Saint-Dominique de Dubrovnik* (Rome, 1965), pp. 91-92. (*L. Bieler*)

Franjevački Samostan 'Mala Braća'

MS. 189. Sermones. 'Saec. XIII'. 3 (?) folios: lower and upper parts of 2 (?) folios, now measuring 143-147 × 208 mm., pasted to the front and back covers respectively, and 1 mutilated folio, now measuring 219 × 145 mm., serving as a front fly-leaf; 2 cols. (width of 1 col. c. 75 mm.), 16, 14, 22 lines surviving. The main text contains a Martyrologium Romanum (anno 1541). Cf. M. Brlek, *Rukopisi Knjižnice Male Braće u Dubrovniku 1* (Zagreb, 1952), pp. 179-80; V. Novak, *Latinska paleografija* (Belgrade, 1952), fig. 38 (detail of front fly-leaf) on p. 157. (*M. Sikić*)

MS. 463, front and back fly-leaves. Unidentified text. Undetermined date. 4 mutilated and very faded folios, now measuring c. 135 × c. 90 mm., 2 cols., 15 and 14 lines surviving. The main text contains an Antiphonarium (anno 1545). (*J. G. Plante*)

MS. 5310/210/16. Liturgica, with neums. 'Saec. XII/XIII'. 2 strips measuring 212 × 82 mm. and 195 × 66 mm., 7 lines of text surviving. (*M. Sikić*).

Allig. 5. Sermones. 'Saec. XI ex. Bari type.' 2 folios, now measuring 260 × 160 mm., 2 cols., 32 lines. Formerly in Incunabulum 109 (Jacobus Philippus Bergomensis, *Supplementum chronicarum*, Venice, 1490). (*M. Sikić*)

Allig. 11. 2 Reg (24:14-16, 20-23); 3 Reg (capitula). 'Saec. XII. Bari type.' Upper part of 1 folio, 150 × 200 mm., 2 cols., 15 lines surviving. (*M. Sikić*)

Incunabulum 98. Commentarius in regulam s. Benedicti. 'Saec. XI ex. Bari features.' 2 folios pasted to the front and back covers, now measuring 260 × 150 mm., 2 cols., 31 lines. The main text contains Guilelmus Duranti, *Rationale divinatorum officiorum* (Venice, 1485). (*M. Rojnić*)

Incunabulum 104, front and back fly-leaves. Ps.-Clemens, Recognitiones. 'Saec. XII. Bari features.' 4 folios (2 of which are pasted to the covers), 250 × 160 mm., 2 cols., 31 lines. The main text contains Thomas Aquinas, *Summa theologiae II-II* (Venice, 1495). Cf. A. Pertusi - B. Pecarski, 'A Few Fragments of a Latin Version of the Pseudo-Clement's Recognitiones Found in Dubrovnik', *Srpska Akademije Nauka, Belgrade. Vizantoloski Institut, Zbornik Radova* 10 (1967) 39-45 (article in Russian; English summary, 45) and 6 plates. (*M. Rojnić*)

Naučna Biblioteka (Our knowledge of these fragments is owing to *Dr. M. Bete, Director*, who also supplied the following descriptions.)

478-A. Homiliarium. 'Saec. XIII'. 2 fragments pasted to the covers, 100 × 155 mm. and 155 × 100 mm., 2 cols., 11 and 18 lines surviving. The main text contains Cicero, *Epistulae ad familiares* (Lyons, 1526), and formerly belonged to the Monastery of St. Mary, Mljet.

1.006-A, fly-leaf. Gregorius Magnus, Moralia in Iob (?). 'Saec. XII/XIII'. 1 mutilated folio, now measuring 317 × 225 mm., 2 cols., 26 lines surviving. The main text contains Theodoretus, *De providentia sermones X* (Rome, 1545), in Greek.

20.799-CR, fly-leaf. Patristica. 'Saec. XIII'. 1 mutilated folio, now measuring 404 × 328 mm., 2 cols., 37 lines. The main text, which contains Aristotle, *Nicomachean Ethics* in the Latin translation of Joachim Perizonius (Lyons, 1556), formerly belonged to the Monastery of St. Mary, Mljet.

20.911-CR, fly-leaves. Unidentified text. Undetermined date. 2 (?) badly damaged and faded folios, 280 × 198 mm., 1 col., 19 lines surviving. The main text contains François Titelman, *Philosophiae naturalis libri XII*, and may have belonged to the Monastery of St. Mary, Mljet.

III 206-CR. Liturgica, with neums. 'Saec. XII'. 2 folios pasted to the covers, 310 × 210-205 mm., 2 cols., 45 lines. The main text contains commentaries on the orations of Cicero (Basel, 1539).

DUNFERMLINE

Public Library: MS. 6, strip on fol. CCCXXXV. Unidentified text. 'Saec. XI (?)'. 2 cols. (width of 1 col. c. 115 mm.), 1 line surviving. The main text, saec. XIV, contains a Graduale. (*N. R. Ker*)

EREVAN

Matenadaran, Mashtotz Institute of Ancient Manuscripts

Lat. fr. 17. Iosue (4:3-7; 5:6-12, 15-6:5; 6:9-14, 20-22, 25-7:2). 'Saec. XIII'. A mutilated bifolium, 210 × 150 mm. and 212 × 61 mm. (height 206-201 mm.), 2 cols., 21-22 lines. Formerly used as a fly-leaf. (*L. Kisseleva*)

MS. Arm. 5929, fly-leaves. Homiliae (?). Saec. XI. Parts of 2 folios, 159 × 120 mm. and 147 × 120 mm., 2 cols., 11 and 12 lines surviving. (*A. D. Ljublinskaja, J. S. G. Simmons, L. Kisseleva*)

MS. Arm. 8562, fly-leaves. Unidentified text. Saec. XI. Parts of 2 folios, 120 × 87 mm. and 111 × 87 mm., 2 cols., 8, 4, and 2 lines surviving. (*A. D. Ljublinskaja, J. S. G. Simmons, L. Kisseleva*)

ESCORIAL

Real Biblioteca de San Lorenzo: MS. R I 18. Palimpsest, lower script of fols. 74, 79, 82, 87, 90, 95. 2 Reg (19:32-21:12); 3 Reg (1:24-37). 'Saec. X'. 340 × 252 mm., 2 cols., 28 lines. Upper script, in Greek minuscule saec. XIII, contains John Chrysostom. See also p. 280 below. (*J. Leroy, J. Fohlen*)

FABRIANO

Biblioteca Comunale: Busta 354. Ambrosius, *Expositio evangelii secundum Lucam* (5.89); Augustinus, *XLIX Tractatus in evangelium Iohannis* (1-17, 8.1-9. 16). 'Saec. IX/X'. A bifolium, now measuring 300 × 215-183 mm. (width 180 mm.), 2 cols., 30, 32 lines surviving. Formerly used as a cover of a notarial book. Cf. C. Tristano, 'Testimonianze di scrittura beneventana a Fabriano', *Studi medievali*, 3rd Ser., 18 (1977), with plates. (*G. Cavallo, C. Tristano*)

FARFA

Biblioteca dell'Abbazia

MS. AB. F. 1, strips on fols. 29v, 31v, 42v. Liturgica, with neums. 'Saec. XI'. 20 × 30 mm., 20 × 25 mm., 50 × 100 mm., 1 line surviving (except for the strip on fol. 42v where only the neums are visible). The main text, written in ordinary minuscule saec. XII, contains a Homiliarium etc. (*R. Grégoire*)

MS. AB. F. 22. Unidentified text. 'Saec. XII'. 1 mutilated folio in very bad condition, now measuring 316 × 229 mm., 2 cols. (width of 1 col. 105 mm.), 22 lines surviving. (*M.-O. Garrigues*)

FLORENCE

Biblioteca Laurenziana

MS. 29.8. Palimpsest, lower script of fols. 2-25, 46-77. Liturgica, with neums. 'Saec. XII'. 410 × 280 mm. (c. 230 × c. 200 mm.), 1 col., c. 8 widely spaced lines. Now folded in two and turned sideways to receive the upper script containing Andalò del Negro, Tractatus sphaerae materialis, Tractatus theoriae planetarum, and Boccaccio, Zibaldone (autograph). Part of the same manuscript constitutes the palimpsest portion of MS. 33.31 (described in Lowe, 'New List', 221). Cf. G. Biagi, *Lo Zibaldone Boccacesco Mediceo Laurenziano plut. XXIX. 8 riprodotto in facsimile* (Florence, 1915), facsimiles of fols. 45v-77; F. Di Benedetto, 'Considerazioni sullo Zibaldone Laurenziano del Boccaccio e restauro testuale della prima redazione del "Faunus"', *Italia medioevale e umanistica* 14 (1971) 93 ff. and pls. 2a, 3, 10, 12-14 (details of fols. 4, 5; fols. 11, 56v, 57v, 58). (V. Brown)

MS. 50.10, fols. 1-69 and glosses on fols. 75, 76, 77v, 78, 79r-v. Cicero, De inventione; Ad Herennium. 'Saec. XI². Bari type with Caroline symptoms.' The rest of the manuscript (fols. 69-79v) contains Cicero, Topica in contemporary ordinary minuscule. (B. Munk Olsen)

MS. Amiatinus I. *Two brief tenth-century notes in Beneventan on fol. 636v (upper margin and col. b, l. 14) of the Bible in uncial copied before A.D. 716.*

MS. Strozzi 49. Sallustius, Bellum Catilinum, Bellum Iugurthinum; Cicero, De amicitia, Oratio prima in Catilinam, Somnium Scipionis; Oratio in Sallustium; Oratio in Ciceronem. 'Saec. XI/XII'. (B. Barker-Benfield)

S.N. Digesta Iustiniani ('Codex Pisanus'). *Written in uncial and mixed half-uncial saec. VI. In vol. 1 there are marginal notes in Beneventan 'saec. IX or saec. X' on fols. 146v, 183v, 256, and a Beneventan gloss 'saec. X/XI' on fol. 257; a Beneventan note 'saec. X' occurs at the end of vol. 2.* (B. Bischoff, F. Newton)

GIOVINAZZO

Archivio Capitolare

MS. X_I. Augustinus, Sermones. 'Saec. XI². Bari type.' 1 folio, 400 × 280 mm. (320 × 220 mm.), 2 cols., 34 lines. (G. Bellifemine)

MS. X_{II}. Sermones. 'Saec. X'. A mutilated bifolium, 327 × 247 mm. (275 × 185 mm.), 2 cols., 32 lines. (G. Bellifemine)

GÖTTWEIG

Stiftsbibliothek: S.N. Gregorius Magnus, Moralia in Iob (33.21-22). 'Saec.

IX'. 1 folio, now measuring 253 × 145 mm., 1 col., 34 lines surviving.
(*B. Bischoff, P. von Aalst*)

GRAZ

Universitätsbibliothek: MS. 1703 (fragments), fol. 137. Necrologium Ragusanum. 'Saec. XIII ex.' 1 mutilated folio, now measuring 320 × 220 mm., 1 col., 14 lines. Cf. V. Novak, 'Necrologium Ragusinum (A.D. M.CC.XXV)', *Zbornik filozofskog fakulteta Univerzitet u Beogradu* 11 (1970) 149-71 (English summary, 171-73) and figs. 1, 2. From the same manuscript as the Beneventan leaves in Chantilly, Musée Condé Impr. Fol. V.A.8 (cf. Lowe, *The Beneventan Script*, p. 338). (*B. Bischoff*)

HANOVER (New Hampshire)

Dartmouth College Library: S.N. Antiphonarium. 'Saec. IX/X'. 1 folio, 308 × 214 mm. (260 × 142 mm.), 1 col., 15 lines. Presented by Mark Lansburgh to the College in May 1974. (*J. F. Hayes, W. B. Ross, Jr.*)

HEIDELBERG

Universitätsbibliothek

MS. Heid. 3298, nr. 23. Bruno Astensis, Commentarius in Iohannem. 'Saec. XII'. 1 mutilated folio, now measuring 207 × 147 mm., 2 cols. (width of 1 col. 69 mm.), 34 lines surviving. Formerly in the collection of Ernst Fischer; acquired in 1936/7.

MS. Heid. 3298, nr. 27. Missale, with neums. 'Saec. XIII'. 1 folio, now measuring 290 × 212 mm. (245 × 168 mm.), 1 col., 24 lines surviving. Formerly in the collection of Ernst Fischer; acquired in 1936/7. Another part of the same manuscript is now Munich, Bernhard Bischoff Collection S.N. (cf. Lowe, 'New List', 227).

ITHACA (New York)

James J. John Collection: S.N. Lectionarium (Epistle, Ac 10:41, and Gospel, Lc 24:13, 19-20, for Easter Monday). Saec. XI. From Monte Cassino. A strip, 13-20 × 205 mm. (width 183 mm.), 2 cols. (width of 1 col. c. 80 mm.), 2 lines and the barest traces of a third surviving of an estimated original 24 lines (height c. 232 mm.). Acquired in 1969 from the estate of E. A. Lowe who received it as a gift from don Mauro Inguanez, O.S.B. (†1955), librarian of Monte Cassino. (*J. J. John*)

KAŠTEL-SUĆURAC

See under **Split**, p. 287 below.

KOTOR (CATTARO)**Franjevački Samostan Sv. Klare**

Cod. I. Homiliarium. 'Saec. XI'. 1 folio, now measuring 147 × 208 mm., 2 cols., 10-12 lines surviving. (*A. Bonifačič*)

Cod. II. Homiliarium. 'Saec. XI'. 2 folios, rubbed and only partially legible, now measuring 238 × 80 mm., 24 lines. Fols. 1v and 2 are blank. (*A. Bonifačič*)

KREMSMÜNSTER

Stiftsbibliothek: MS. I/26. Ordo ad clericum faciendum; Ordo ad monachum consecrandum. 'Saec. XI ex. Bari type.' 1 folio, 280 × 185 mm. (220 × 120 mm.), 1 col., 22 lines. Cf. W. Neumüller, 'Fragmente und Handschriften alter Mönchsgewohnheiten in Kremsmünster' in 97. *Jahresbericht des Obergymnasiums der Benediktiner zu Kremsmünster* (Wels, 1954), pp. 81-86. (*B. Bischoff*)

LAWRENCE (Kansas)**University of Kansas, Kenneth Spencer Research Library**

MS. 9/2: 19. Missale, with neums. Saec. XII/XIII. 1 folio, badly stained and tattered, now measuring 212 × 149 mm., 1 col., 21 lines. Bought from E. von Scherling between 1954 and 1961. (*A. Hyde*)

MS. 9/2: 27. Vita s. Eudecii. 'Saec. XI/XII. Bari type.' Part of 1 folio, now measuring 141 × 245 mm., 2 cols. (width of 1 col. c. 115 mm.), 15 lines surviving. (*J. Goering*)

MS. J6: 3: A2. Homiliarium. 'Saec. XII'. 1 folio, now measuring 311 × 301 mm. (width 214 mm.), 2 cols., 34 lines surviving. Bought from B. M. Rosenthal in 1975. (*A. Hyde*)

LENINGRAD

Arkhiv Leningradskogo Otdeleniia Instituta Istorii Akademii Nauk SSSR (Archives of the Leningrad Division of the Historical Institute of the Academy of Sciences of the USSR): **MS. 29/625.** Augustinus, *De civitate Dei* (capitula; lib. 20 init.). 'Saec. XI med.' Upper part of 1 folio, now measuring 190 × 275 mm., 2 cols., 18 lines surviving. Estimated original size: 400 × 300 mm. (300 × 180 mm.), 2 cols., 30 lines. Cf. M. Murjanoff, 'Das Leningrader Fragment *De civitate Dei*', *Italia medioevale e umanistica* 8 (1965) 309-11 and pls. 8, 9 (recto, verso). (*G. Billanovich*)

Sobrananie inostrannykh Rukopisei Otdela Rukopisnoi i Redkoi Knigi Biblioteki Akademii Nauk SSSR (Collection of Foreign Manuscripts of the

Division of Manuscripts and Rare Books of the Library of the Academy of Sciences of the USSR) (Our knowledge of these items is owing to *Dr. L. Kisseleva* who also supplied the following descriptions.)

MS. F. no. 200

- (i) Fols. 1, 2, 200, 201 (fly-leaves). Homiliarium. 'Saec. XII'. 295 × 186 mm. (250 × c. 142 mm.), 1 col. 24 lines.
- (ii) Fols. 3-177v. Lectionarium. 'Saec. XII'. Provenance Kotor. Formerly in the Roman Catholic Academy, Leningrad.
- (iii) Fols. 178-193v. Sermo in dedicationem ecclesiae. 'Saec. XII ex.' 293 × 186 mm. (210 × 120 mm.), 1 col., 28 lines.

MS. Fr. Q. no. 5. Commentarius in Matthaeum. 'Saec. XI ex.' Part of 1 folio, now measuring 203 × 326 mm., 2 cols. (width of 1 col. 110 mm.), 18 lines surviving. Cf. L. Kisseleva, 'Fragment Beneventanskogo Pis'ma v Sobranii Rukopisei Biblioteki AN SSSR' in *Sbornik Statei i Materialov Biblioteki AN SSSR po Knigovedeniiu* 2 (Leningrad, 1970), pp. 201-11 and 2 plates.

LEYDEN

Bibliotheek der Rijksuniversiteit: MS. B.P.L. 2842. Missale, with neums. 'Saec. XII'. 1 mutilated folio, now measuring 262 × 176 mm. (203 × 116 mm.), 1 col., c. 30 lines. Bought from E. von Scherling (see p. 282 below) by G. I. Liefstinck and presented by him to the library in January 1977. (*J. P. Gumbert*)

E. von Scherling: see under **Lawrence MS. 9/2: 19, Leyden MS. B.P.L. 2842**, and p. 282 below.

LONDON

Maggs Bros., Ltd.: Missale, with neums. 'Saec. XII/XIII. Bari type.' 1 folio, 245 × 180 mm., 1 col., 29 lines. Purchased at the Sotheby sale of 10 July 1968 (lot 257) and still the property of the present owner as of May 1977. (*†A. Mayor, M. L. Colker*)

MACERATA

Archivio di Stato

Fondo notarile Penna S. Giovanni. Homiliarium. 'Saec. XII'. 1 folio, formerly serving as the cover of vol. 263 (documents copied by the notary Johannes de Marino for the years 1480-99); 340 × 230 mm. (287 × 185 mm.), 2 cols., 30 lines. Cf. A. De Luca, 'Nuove testimonianze di scrittura beneventana nelle Marche', *Studi medievali*, 3rd Ser., 18 (1977), with plates. (*A. De Luca*)

Fondo Tabulario diplomatico. (Our descriptions are based upon the study of dott. A. De Luca, to whom our knowledge of the collection is due. The Beneventan items consist of 81 fragments removed from notarial documents, for which they served as covers or fly-leaves, and placed in a separate *fondo*: 'Tabulario diplomatico', nos. 475-494, 642-702. Dott. De Luca has grouped the fragments on the basis of palaeographical considerations, content, and provenance, with the result that they appear to have once formed part of 31 manuscripts; it is his classification that we follow here.³)

MS. 1 (tab. 478, 677). Homiliarium. 'Saec. XI med.' 2 folios, now measuring 371 × 270 mm. (275 × 185 mm.) and 298 × 256 mm. (width 186 mm.), 2 cols., 35 and 27 lines surviving. Cf. De Luca, 'Frammenti', 123 and pl. 1 (tab. 478).

MS. 2 (tab. 676). Homiliarium. 'Saec. XI med.' 1 folio, now measuring 295 × 263 mm. (width 190 mm.), 2 cols., 30 lines surviving. Cf. De Luca, 'Frammenti', 123-24 and pl. 2.

MS. 3 (tab. 683). Homiliarium. 'Saec. XI²'. 1 folio, now measuring 306 × 269 mm. (width 194 mm.), 2 cols., 26 lines surviving. Cf. De Luca, 'Frammenti', 124 and pl. 3.

MS. 4 (tab. 479, 480, 649, 678, 679, 680, 681, 685). Homiliarium. 'Saec. XI²'. 8 folios, now measuring respectively 355 × 248 mm., 372 × 274 mm., 347 × 263 mm., 300 × 277 mm., 290 × 270 mm., 282 × 260 mm., 296 × 271 mm., 302 × 272 mm. (c. 285 × c. 190 mm.), 2 cols., 28-35 lines. Cf. De Luca, 'Frammenti', 124-26 and pl. 4 (tab. 649).

MS. 5 (tab. 492, 493, 494). Psalterium. 'Saec. XI med.' 1 folio and parts of 2 others, measuring respectively 274 × 158 mm. (200 × 103 mm.), 152 × 95 mm., and 265 × 87 mm., 1 col., 22 and 15 lines. Cf. De Luca, 'Frammenti', 126.

MS. 6 (tab. 484, 485, 486). Actus apostolorum. 'Saec. XI ex.' 3 mutilated folios, now measuring respectively 267 × 131 mm., 262 × 75 mm., and 264 × 145 mm., 1 col., 27-28 lines. Cf. De Luca, 'Frammenti', 127.

MS. 7 (tab. 487, 488). Vita s. Leucii. 'Saec. XI/XII'. 2 folios, now measuring respectively 284 × 243 mm. (width 203 mm.) and 286 × 266 mm. (width 201 mm.), 2 cols., 25 lines. Cf. De Luca, 'Frammenti', 127-28 and pl. 5 (tab. 487).

³ With the exception of dott. De Luca's MS. 26 ('Frammenti', 137) which we consider to comprise actually two MSS., our nos. 25 (tab. 652, 653) and 26 (tab. 654, 655).

- MS. 8 (tab. 648, 491).** Missale. 'Saec. XI²'. 2 folios, 362 × 240 mm. (280 × 165 mm.) and 297 × 240 mm. (width 164 mm.), 2 cols., 27 and 23 lines. Cf. De Luca, 'Frammenti', 128 and pl. 6 (tab. 491).
- MS. 9 (tab. 645, 687).** Missale, with neums. 'Saec. XI²'. 2 folios, 295 × 250 mm. (width 170 mm.) and 304 × 248 mm. (width 170 mm.), 2 cols., 26 lines. Cf. De Luca, 'Frammenti', 128-29.
- MS. 10 (tab. 689, 695).** Missale. 'Saec. XI²'. 2 folios, now measuring 278 × 235 mm. (width 162 mm.) and 300 × 240 mm. (width 163 mm.), 2 cols., 22 and 23 lines surviving. Cf. De Luca, 'Frammenti', 129.
- MS. 11 (tab. 647).** Homiliarium. 'Saec. XII'. A mutilated bifolium, now measuring 218 × 392 mm. (width 185 mm.), 2 cols., 21 lines surviving. Cf. De Luca, 'Frammenti', 129-30.
- MS. 12 (tab. 642, 698).** Evangelium. 'Saec. XII'. 2 folios, 260 × 162 mm. (183 × 95 mm.) and 258 × 132 mm. (183 × 96 mm.), 1 col., 22 lines. Cf. De Luca, 'Frammenti', 130 and pl. 7 (tab. 642).
- MS. 13 (tab. 699).** Lectionarium. 'Saec. XII²'. 1 folio, 258 × 150 mm. (182 × 90 mm.), 1 col., 22 lines. Cf. De Luca, 'Frammenti', 130-31.
- MS. 14 (tab. 694).** Psalterium. 'Saec. XII ex.' A bifolium, 285 × 180 mm. (220 × 116 mm.), 1 col., 24 lines. Cf. De Luca, 'Frammenti', 131.
- MS. 15 (tab. 476, 688, 693).** Psalterium. 'Saec. XII ex.' 3 folios, now measuring respectively 255 × 133 mm. (height 193 mm.), 250 × 115 mm. (height 191 mm.), and 288 × 160 mm. (height 193 mm.), 1 col., 18 lines. Cf. De Luca, 'Frammenti', 131-32 and pl. 8 (tab. 688).
- MS. 16 (tab. 477, 692).** Homiliarium. 'Saec. XII/XIII'. 2 mutilated folios, now measuring 252 × 100 mm. and 260 × 200 mm., 2 cols. (width of 1 col. 80-83 mm.), 28 lines surviving. Cf. De Luca, 'Frammenti', 132 and pl. 9 (tab. 692).
- MS. 17 (tab. 684, 475).** Hymnarium. 'Saec. XIV'. 1 folio and half of another folio, now measuring respectively 290 × 221 mm. (236 × 175 mm.) and 293 × 93 mm., 2 cols. (width of 1 col. 80 mm.), 27 lines. Cf. De Luca, 'Frammenti', 133.
- MS. 18 (tab. 697, 686, 489, 700, 691).** Missale. 'Saec. XIII¹'. 5 folios, now measuring respectively 297 × 223 mm. (width 182 mm.), 338 × 262 mm. (278 × 184 mm.), 359 × 252 mm. (280 × 190 mm.), 290 × 255 mm. (width 186 mm.), 290 × 250 mm. (width 189 mm.), 2 cols., 25-30 lines. Cf. De Luca, 'Frammenti', 133-34 and pl. 10 (tab. 691).
- MS. 19 (tab. 696, 650, 490).** Missale. 'Saec. XIII¹'. 3 badly preserved folios, now measuring 292 × 270 mm. (width 202 mm.), 402 × 280

- mm. (304×204 mm.), and 397×287 mm. (304×203 mm.), 2 cols., 25-29 lines. Cf. De Luca, 'Frammenti', 134 and pl. 11 (tab. 696).
- MS. 20 (tab. 682).** Homiliarium. 'Saec. XIII med.' 1 folio, 380×268 mm. (303×190 mm.), 2 cols., 29 lines. Cf. De Luca, 'Frammenti', 134.
- MS. 21 (tab. 690, 701).** Homiliarium. 'Saec. XIII²'. 2 folios, now measuring 302×260 mm. (width 180 mm.) and 301×266 mm. (width 181 mm.), 2 cols., 27 and 28 lines surviving. Cf. De Luca, 'Frammenti', 135 and pl. 12 (tab. 701).
- MS. 22 (tab. 702).** Vita s. Martini. 'Saec. XIII²'. Part of 1 folio, now measuring 317×90 mm., 30 lines surviving. Cf. De Luca, 'Frammenti', 135.
- MS. 23 (tab. 675, 673, 674).** Breviarium. 'Saec. XII²'. 3 bifolia, now measuring 252×303 mm. (153×89 mm.), 256×285 mm. (153×88 mm.), and 253×286 mm. (158×84 mm.), 1 col., 31 lines. Cf. De Luca, 'Frammenti', 135-36.
- MS. 24 (tab. 657, 658).** Liturgica, with neums. 'Saec. XII'. 2 bifolia, now measuring 287×392 mm. (width 127 mm.) and 300×312 mm. (width 129 mm.), 1 col., 13 lines surviving. Cf. De Luca, 'Frammenti', 136-37 and pl. 13 (tab. 657).
- MS. 25 (tab. 652, 653).** Liturgica, with neums. 'Saec. XII'. A mutilated bifolium and part of 1 folio, now measuring 265×297 mm. (width 115 mm.) and 269×83 mm., 1 col., 10 lines surviving. Cf. De Luca, 'Frammenti', 137 and above p. 256 n. 3.
- MS. 26 (tab. 654, 655).** Liturgica, with neums. 'Saec. XII'. 1 mutilated folio and part of another folio, now measuring 273×197 mm. (width 150 mm.) and 286×106 mm., 1 col., 11 lines surviving. Cf. De Luca, 'Frammenti', 137 and above p. 256 n. 3.
- MS. 27 (tab. 481, 482, 483).** Missale (?), with neums. 'Saec. XII ex.' Parts of 3 folios, now measuring 288×127 mm., 275×140 mm., and 289×115 mm., 1 col., 12-13 lines surviving.
- MS. 28 (tab. 651, 656, 659, 661, 662, 665, 667, 669).** Antiphonarium. 'Saec. XII/XIII'. 3 bifolia (2 of which are mutilated) and 5 folios, now measuring 279×345 mm. (width 156 mm.), 277×301 mm. (width 130 mm.), 275×200 mm. (width 150 mm.), 279×199 mm. (width 150 mm.), 290×212 mm. (width 150 mm.), 272×190 mm. (width 150 mm.), 263×197 mm. (width 140 mm.), 303×435 mm. (width 150 mm.), 1 col., 10-15 lines surviving. Cf. De Luca, 'Frammenti', 138 and pl. 14 (tab. 659).

MS. 29 (tab. 660, 671, 672). Antiphonarium. 'Saec. XII/XIII'. 2 folios and a mutilated bifolium, 295 × 310 mm. (width 135 mm.), 298 × 314 mm. (width 147 mm.), and 292 × 312 mm. (width 152 mm.), 1 col., 13 and 11 lines surviving. Cf. De Luca, 'Frammenti', 138-39.

MS. 30 (tab. 663, 664, 666, 668, 670). Antiphonarium. 'Saec. XIII'. 3 folios and parts of 2 others, 290 × 223 mm. (width 175 mm.), 292 × 127 mm., 298 × 226 mm. (width c. 175 mm.), 289 × 205 mm. (width 175 mm.), and 285 × 118 mm., 1 col., 10-11 lines surviving. Cf. De Luca, 'Frammenti', 139.

MS. 31 (tab. 644, 646). Breviarium, with neums. 'Saec. XIII med.' 2 folios, 315 × 275 mm. (width 170 mm.) and 295 × 275 mm. (width 170 mm.), 1 col., 7 lines surviving. Cf. De Luca, 'Frammenti', 139 and pl. 15 (tab. 646).

MS. 32 (tab. 643). Liturgica, with neums. 'Saec. XIII ex.' 1 folio, now measuring 292 × 240 mm. (width 180 mm.), 1 col., 5 lines surviving. Cf. De Luca, 'Frammenti', 140 and pl. 16.

MANCHESTER

John Rylands University Library: Christie Collection MS. 2 b 17, fly-leaves. Gregorius Magnus, Homiliae in evangelium. 'Saec. XI. Bari type.' 2 folios, 278 × c. 220 mm., 2 cols., 26 lines. The main text (anno 1467) contains Procopius, De bello Gothorum. (*N. R. Ker, M. Tyson*)

MILAN

Biblioteca Ambrosiana

MS. A 120 inf. *Hieronymus, De viris illustribus, Epistulae etc.; Genadius, De viris illustribus. Written in ordinary minuscule saec. XI which displays many Beneventan elements (ri and assibilated ti ligatures, broken c, large e etc.). On some folios there are whole lines in Beneventan as, for example, line 39 on fol. 22v. From the Monastero dei Frati di Sant'Ambrogio ad Nemus.* (G. Cavallo)

MS. H 190 inf. Iulianus Toletanus, Prognosticon; Defensor, Liber scintillarum etc. 'Saec. XI/XII'. The entire codex is palimpsest; most of the upper script has been written on folios from at least 2 manuscripts also in Beneventan, 'saec. XI', measuring c. 285 × c. 350 mm., 2 cols. (width of 1 col. c. 120 mm.), 20 lines surviving and c. 345 × 270 mm., 2 cols. (width of 1 col. 90 mm.), 30 lines. The lower script of fols. 34, 36, 37 etc. is in ordinary minuscule saec. XI. Cf. M. L. Gengaro - G. Villa Guglielmetti, *Inventario dei codici decorati e miniati (secc. VII-XIII) della Biblioteca Ambrosiana* (Florence, 1968), p. 31. (*B. Bischoff*)

MS. E 49 sup., front fly-leaves. Graduale. 'Saec. X/XI'. A bifolium (the first leaf of which is pasted to the cover), now measuring 206 × 148 mm. (width c. 120 mm.), 1 col., 10 lines surviving. The main text, in Greek minuscule saec. XV, contains Manuel Moschopolus, *Erotemata*. Cf. Huglo, 'Liste complémentaire', 90; Grégoire, 'Repertorium', 521.

MS. S.P. 6/14, fols. 92-93, 840-841. *Commentarius in Isaiam*. 'Saec. XII'. 2 bifolia, now measuring c. 320 × c. 220 mm. (250 × 125-135 mm.) and 235 × 210 mm. (218 × c. 125 mm.), 1 col., 36-38 lines and 31 lines surviving. (*B. Bischoff*)

Biblioteca Nazionale Braidense: Gerli MS. 36, fly-leaves. Liturgica, with neums. 'Saec. XII'. A bifolium pasted to the back cover, now measuring 205 × 135 mm. (width 80-95 mm.), 1 col., 8 lines. The main text, saec. XV, contains a collection of Biblical excerpts (fols. 1-10) and *Auctoritates sanctorum* (fols. 11-76v). Cf. Huglo, 'Liste complémentaire', 90; Grégoire, 'Repertorium', 524.

Biblioteca dell'Università Cattolica del Sacro Cuore: MS. Fragm. 1. *Tractatus de dedicatione templi*. 'Saec. XI/XII'. 1 mutilated folio, now measuring 290 × 230 mm., 2 cols. (width of 1 col. 85 mm.), 36 lines surviving. Cf. R. Quadri, 'Un frammento milanese del *Tractatus de dedicatione templi* attribuito a Remigio di Auxerre', *Italia medioevale e umanistica* 8 (1965) 312-21 and pls. 10, 11. (*G. Billanovich*)

MIRABELLA ECLANO

Archivio della Chiesa Collegiata: Exultet Roll 2 (3 pieces). Saec. XI². Presently on deposit in the Biblioteca Nazionale, Naples. Cf. M. Avery, *The Exultet Rolls of South Italy*, vol. 2: *Plates* (Princeton, 1936), p. 21 and pl. 60. (*V. Brown*)

MOLFETTA

Graziano Bellifemine Collection: S.N. Patristica. 'Saec. XI. Bari type.' 1 mutilated folio, 376 × 285 mm. (285 × 195 mm.), 2 cols., 33 lines. (*G. Bellifemine*)

MONOPOLI

Archivio Unico Diocesano: MS. B 27, binding strips. *Passionarium*. 'Saec. XII. Bari type.' 3 fragments; height 60-65 mm., 5 and 6 lines surviving. The main text is vol. 1 of the *Liber legatorum Catedralis (sic) ecclesie Monopolitane*. Transferred in 1975 from the Archivio Capitolare to its present location. (*G. Bellifemine*)

MONTE CASSINO

Archivio della Badia

- MS. 45**, pp. 398 (col. b) - 404. Burchardus Wormatiensis, Decretum (20.57-70). 'Saec. XI'. The rest of the manuscript (pp. 1-397, col. a) is written in ordinary minuscule saec. XI and contains the Decretum, books 1-20.1-57. (*F. Newton*)
- MS. 111**. Palimpsest, lower script of pp. 409-422. Unidentified text. 'Saec. XI'. 527 × 355 mm. (497 × 303 mm.), 2 cols., 54 lines. Upper script is Beneventan 'saec. XII' and contains Petrus Damianus, Rhythmus de beata Maria virgine, and Vitae sanctorum. (*V. Brown*) (For the contents and date of the rest of the manuscript, cf. Lowe, *The Beneventan Script*, p. 344.)
- MS. 220** (*V. Brown*) (Cf. Lowe, *The Beneventan Script*, p. 346.)
- (i) Palimpsest, lower script of pp. 151-158. Unidentified text. 'Saec. XI', ut vid. 270 × 208 mm., 2 cols., 32 lines surviving. 2 bifolia, now turned sideways to receive the upper script, Beneventan and ordinary minuscule 'saec. XII ex.', containing Petrus Chrysolanus, Oratio de spiritu sancto.
- (ii) Pp. 161-238. Nicolaus I, Epistulae. 'Saec. XII'.
- MS. 251**, pp. 271-272. Bruno Astensis, Commentarius in Lucam. 'Saec. XII'. The rest of the manuscript (pp. 2-270) contains a Psalterium, Cantica prophetarum etc. in ordinary minuscule saec. XII. (*V. Brown*)
- MS. 386** (*V. Brown*)
- (i) Palimpsest, lower script of pp. 25-46, 51-56. Liturgica, with neums. 'Saec. XII'. Now measuring 220 × 155 mm., 2 cols. (width of 1 col. 50 mm.), 25-26 lines surviving. Upper script, Gothic saec. XIV, contains Alcuinus, De fide sanctae trinitatis.
- (ii) Palimpsest, lower script of pp. 47-50. Unidentified text. 'Saec. XI'. A bifolium, now measuring 310 × 218 mm., 2 cols., 31 lines surviving. For the upper script see (i).
- MS. 446**. Palimpsest, lower script of pp. 199-352. Liturgica, with neums. Undetermined date. C. 230 × 182 mm. (width c. 145 mm.), 1 col., at least 14 lines. Upper script, ordinary minuscule saec. XII, contains Bruno Signiensis, Commentarius in Genesim. (*V. Brown*) (For the contents and date of the rest of the manuscript, cf. Lowe, *The Beneventan Script*, p. 351.)
- MS. 457**. Palimpsest, lower script of pp. 501-520. Unidentified text. Undetermined date ('saec. XI?'). Upper script, Gothic saec. XIV, contains Sermones. (*V. Brown*)

MS. 468. Palimpsest, lower script of pp. 4, 5, 10, 11, 12, 13, 20, 21, 24, 28, 36, 37, 39, 44 etc. Liturgica, with neums. Undetermined date. 270 × 170 mm. Upper script, ordinary minuscule saec. XII/XIII, contains *Leges Langobardorum* etc. (V. Brown)

Compactiones. (Under this heading there are preserved numerous uncatalogued fragments from diverse manuscripts. We give below a survey of the material with an indication, wherever possible, of the leaves which have been studied. The shelf marks are those found on each folder and are provisional; the fragments will be assigned new numbers by don Faustino Avagliano, O.S.B., the present librarian, who is preparing a catalogue of them.) (V. Brown)

I. Biblica; liturgica, with neums. 'Saec. X, XI, XII'.

III-IV. Hagiographica; homiliae. 'Saec. XI, XII'.

V. Antiphonarium; liturgica. 'Saec. XI, XII'.

VI. Missale plenum. 'Saec. XI²'. Pp. 1-142, some of which are fragmentary; the measurements of p. 21 (which appears not to be mutilated) are 401 × 260 mm. (250 × 173 mm.), 2 cols., 24-25 lines. Cf. A. Dold, 'Umfangreiche Reste zweier Plenarmissalien des 11. und 12. Jhs. aus Monte Cassino', *Ephemerides liturgicae* 53 (1939) 112, 114-44 and plate (p. 73) facing 114. This folder also contains many other liturgical fragments.

VII. Liturgica varia. The first 9 folios of a Missale plenum, 'saec. XI/XII', 365 × 270 mm. (313 × 213 mm.), 2 cols., 27 lines, were described by K. Gamber, 'Fragmenta liturgica V', *Sacris erudiri* 21 (1972-73) 241-47. Cf. Dold, 'Umfangreiche Reste zweier Plenarmissalien', 144-67 and plate facing 112, for a study of 12 leaves of a Missale plenum, 'saec. XII', which were at one time in Compact. XXII but have now been returned to Compact. VII. In addition to these items, there are numerous fragments of other liturgical manuscripts.

VIII. Hegesippus. 'Saec. XI¹'. 70 folios, all of which have been trimmed, now measuring c. 495 × c. 332 mm. (377 × 248 mm.), 2 cols., 36 lines. Cf. V. Ussani, 'Un ignoto codice cassinese del così detto Egesippo e i suoi affini' in *Casinensia. Miscellanea di studi cassinesi pubblicati in occasione del XIV centenario della fondazione della Badia di Monte Cassino* 2 (Monte Cassino, 1929), pp. 601-14.

IX. Patristica; liturgica; homiliae. 'Saec. X, XI, XII'.

X. Patristica; Bertharius. 'Saec. XI'.

XIII. Historica varia (Auxilius etc.). 'Saec. X'.

XIV

(i) Fols. 1-11. Arator. 'Saec. XI²'. C. 283 × c. 214 mm. (225 × 191 mm.),

2 cols., 23-24 lines. Formerly used as covers for Monte Cassino registers. Cf. M. Inguanez, 'Frammenti di Aratore in fogli di guardia cassinesi del secolo XI', *Archivum latinitatis medii aevi* 4 (1928) 153-55.

- (ii) Fol. 12. Sidonius Apollinaris, Carmina (16.43-95). 'Saec. XII'. Now measuring 289 × 214 mm., 2 cols. (width of 1 col. 86 mm.), 27 lines surviving.

XVI. Liturgica; Cassianus. 'Saec. XII'. 6 folios and a mutilated bifolium; the remaining fragments consist of various documents in non-Beneventan script.

XVIII. 'Ludus de Passione'. 'Saec. XII²'. 4 mutilated folios in very bad condition, now measuring 290 × 195 mm. Formerly used as covers for the Registrum I Thomae Abbatis 1285-88. Cf. M. Inguanez, 'Un dramma della passione del secolo XII. Seconda edizione' in *Miscellanea cassinese* 18 (1939), with figs. on p. 20 and plate (details of pp. 1, 8) at end of text.

S.N. 5 envelopes and/or folders containing liturgical and patristic fragments, 'saec. X, XI, XII'. Some of these were recovered from the bindings of the Registrum Thomae Abbatis and Registrum Petri Diaconi while others came to light as recently as 1973-74 when the manuscripts in which they were contained were restored at Cava dei Tirreni. (*V. Brown*)

NAPLES

Archivio Storico Diocesano: Fondo Ebdomadari, Codice miscellaneo 1 (various fragments formerly in the Collegio degli Ebdomadari, Naples; cf. R. Arnese, 'Il codice miscellaneo n. 1 dell'archivio storico diocesano di Napoli', *Atti della Accademia Pontaniana* N.S. 18 (1968-69) 183-95 and plate [fol. 35v]). (*R. Grégoire, A. Illibato*)

- (i) Fasc. II, fols. 2-8. Litaniae; Ordo ad ungendum infirmum. 'Saec. XIII', ut vid. 239 × 168 mm. (166 × c. 100 mm.), 1 col., 23 lines. Cf. D. Mallardo, *Ordo ad ungendum infirmum ex cod. Neapol. saec. XII/XIII* (Naples, 1938), with 2 plates (fols. 1v-2, 2v-3). From the same manuscript as fasc. X.
- (ii) Fasc. VI, fols. 27-31. Lectionarium. 'Saec. XIII'. 300 × 212 mm. (215 × 144 mm.), 2 cols., 22 lines.
- (iii) Fasc. VII, fols. 32-63. Lectionarium. 'Saec. XII'. 320 × 236 mm. (255 × 156 mm.), 2 cols., 30 lines.
- (iv) Fasc. IX, fols. 74-81. Vita s. Asprenae; Constitutiones Petri Surrentini ep. Neap. 'Saec. XIV', ut vid. 220 × 155-160 mm. (165 × 98 mm.), 1 col., 22 lines.

- (v) Fasc. X, fols. 82-86. Ordo ad visitandum infirmum. 'Saec. XIII', ut vid. 235×169 mm. ($166 \times c. 100$ mm.), 1 col., 23 lines. From the same manuscript as fasc. II.

Biblioteca della Società Napoletana di Storia Patria

Cuomo MS. 2-4-10. Necrologium monasterii s. Patriciae. 'Saec. XVI'. Cf.

A. Gallo, 'L'obituario del monastero benedettino di Santa Patrizia di Napoli', *Rivista storica benedettina* 9 (1914) 26-43; G. Alagi, 'Il martirologio del monastero di S. Patrizia in Napoli', *Asprenas* 13 (1966) 47, 53 and pl. 1 (fol. 169) and 'Testi e note integrative per il "Martirologio di S. Patrizia in Napoli"', ibid. 295-306 and pls. 9, 10 (fols. 239, 240v). (*B. E. Levy*)

Cuomo MS. 2-4-12. Martyrologium monasterii s. Patriciae. 'Saec. XVI'.

Cf. Gallo (cited from the preceding item), 'L'obituario', 27, 31 ff.; Alagi (cited from the preceding item), 'Martirologio', 44-84, 206-48 and pls. 2, 5-8 (fols. 18v, XI, 46, 52v, 55) and 'Testi e note', 295, 306-308. (*V. Brown*)

Biblioteca Nazionale

MS. IV A 26, front and back fly-leaves. Liturgica, with neums. 'Saec.

XII'. Parts of 2 folios, one of which is bound sideways, now measuring 202×139 mm. and 137×201 mm. (width 143 mm.), 1 col., 9 and 6 lines surviving. The main text, written in ordinary minuscule saec. XII, contains Priscianus. (*M. T. Gibson*)

MS. VI B 11, binding fragment. Unidentified text. 'Saec. XI', ut vid. A

strip apparently removed from the binding when the codex was restored at Grottaferrata in 1972 and now pasted at one edge to the inside front cover. $389 \times c. 30$ mm., traces of (estimated) 33 lines. (*V. Brown*) (For the contents and date of the rest of the manuscript cf. Lowe, *The Beneventan Script*, p. 354.)

MS. VI E 44, front and back fly-leaves. Missale. 'Saec. XII'. Parts of at

least 2 folios; estimated original size: $c. 332 \times c. 275$ mm. (width 165 mm.), 2 cols. (width of 1 col. $c. 70$ mm.), 28 lines. The main text, written in Gothic saec. XVI, contains liturgica varia. Cf. R. Arnese, *I codici notati della Biblioteca Nazionale di Napoli* (Florence, 1967), pp. 113-14. (*V. Brown*)

MS. VI G 14. Palimpsest, lower script of fols. 3-16. Unidentified text.

'Saec. XI²'. 369×285 mm. (width $c. 200$ mm.), 2 cols. (width of 1 col. 90 mm.), 35 lines surviving. The main text, saec. XVI, contains a Cerimoniale ad usum Troiae. Cf. Arnese (cited from the preceding item), *Codici notati*, pp. 138-39. (*V. Brown*)

MS. XIII C 5, back fly-leaf. Liturgica. 'Saec. XII'. 1 folio, now measuring 292×218 mm. (265×162 mm.), 2 cols., 33 lines. The main text, written in Gothic saec. XV, contains Benvenutus Rambaldus Imolensis, *Commentarius in Dantis Purgatorium*. (J. Fohlen)

MS. XV AA 1, binding fragments. 2 strips from 2 different manuscripts, apparently recovered from the binding when the codex was restored at Grottaferrata in 1969 and now mounted on a page preceding the beginning of the main text (*Vetus Testamentum* in ordinary minuscule saec. XII). The larger strip, *Commentarius in evangelium*, 'saec. XIII', measures $400 \times c. 95$ mm., with parts of 33 lines; the smaller strip, $131 \times c. 40$ mm., 2 cols., parts of 13 lines surviving, contains a *Homiliarium*, 'saec. XI²'. Cf. E. B. Garrison, *Studies in the History of Mediaeval Italian Painting* 1 (Florence, 1953), fig. 131 (much reduced facsimile) on p. 95. (V. Brown)

NEW HAVEN

Yale University, Beinecke Library: MS. 528. *Passio s. Terentiani*. 'Saec. XI/XII'. 1 folio, now cut in two and trimmed, 506×240 mm., 2 cols., 45 lines. Formerly in the binding of Zi. + 4428 (Bonaventure, *Commentarius in secundum librum Sententiarum Petri Lombardi*, Venice, 1477). (N. R. Ker, C. E. Lutz)

NEW YORK

Bernard M. Rosenthal Collection: see under **San Francisco**.

H. P. Kraus. *Marginal entry (Sermo) on fol. 130v of a manuscript of Gregorius Magnus, Dialogi in ordinary minuscule saec. XII. Formerly Phillipps MS. 7328, the codex was acquired at the Sotheby sale of 28 November 1973 (lot 580).*⁴ (†A. Mayor)

NORTHAMPTON

Northamptonshire Record Office: F.H. 265/2. Liturgica, with neums. 'Saec. XI'. A strip, $250-262 \times 50-59$ mm., 27 and 20 lines. Removed in 1963 from the binding of Bartholomaeus Platina, *Vitae pontificum* ([Treviso,] 1485), and preserved separately. (N. R. Ker)

ORLEANS

Bibliothèque de la Ville: MS. 283 (237), pp. 78-109. Dioscorides. Saec. XII. $230-240 \times 150-158$ mm. (190×125 mm.), 1 col., 52 lines. The rest of

⁴ The codex was sold to a private collector 'some time ago' (according to a letter from H. P. Kraus dated 16 May 1977), and its present whereabouts are unknown.

the manuscript, written in ordinary minuscule of various dates, contains Hippocrates, Indicia valetudinum and Alexander Trallianus, Practica. Cf. E. Wickersheimer, *Les manuscrits latins de médecine du haut Moyen Age dans les bibliothèques de France* (Paris, 1966), pp. 191-92. (*M.-T. d'Alverny, F. Newton*)

ORVIETO

Biblioteca dell'Opera del Duomo: MS. Varietà 1. Amalarius, Liber officialis. Saec. XI. Probably Monte Cassino type. (*S. Prete, P. O. Kristeller*)

OXFORD

Bodleian Library: MS. Add. C. 144. *Grammatica in ordinary minuscule saec. XI. A Beneventan scribe trying to write ordinary minuscule occasionally lapses into pure Beneventan, e.g. on fols. 33 (lines 3-8, 13-14), 33v (lines 1-14, 22), and 35v (lines 29-40). Cf. R. W. Hunt et al., The Survival of Ancient Literature. Catalogue of an Exhibition of Greek and Latin Classical Manuscripts (Oxford, 1975), pp. 47-48, no. 94 and pl. 14 (fol. 33). (F. Newton)*

PALO ALTO (California)

Paul H. Mosher Collection: MS. 1. Patristica. 'Saec. XI/XII'. Lower part of 1 folio, now measuring 175 × 250 mm., 2 cols. (width of 1 col. c. 83 mm.), 13 lines surviving. (*B. M. Rosenthal, P. H. Mosher*)

PARIS

Bibliothèque Nationale

MS. lat. 2466. Petrus Ostiensis, Homiliarium. 'Saec. XII/XIII'. Cf. Huglo, 'Liste complémentaire', 90 and pls. 9, 10 (fols. 1, 1v).

MS. lat. 2927, fol. 130v. *1 line (liturgica, with neums) in Beneventan 'saec. XI' has been added in the upper margin of a fragment of a Missale in ordinary minuscule saec. XI. Cf. Huglo, 'Liste complémentaire', 90.*

MS. lat. 4109. Palimpsest, lower script of fols. 30, 31, 36, 37-55v, 57, 60, 62, 63, 65, 68, 70-85v, 90, 91, 96-108v, 112, 115, 120, 123, 124, 127, 129-139v. Breviarium. 'Saec. XIII/XIV'. 435 × 305 mm. The upper script, saec. XV, contains various legal texts. (*F. Avril*)

MS. lat. 6636, fly-leaf. Gregorius Magnus, Homilia in evangelia (1.2.5-7). 'Saec. XI'. 210 × 155 mm. The main text, saec. XV, contains Porphyrius, Isagoge; Gilbertus Porretanus, Liber de sex principiis; Aristoteles, Praedicamenta etc. (*P. Gasnault*)

MS. lat. 6951, fols. 178-179 (fly-leaves). Medica. 'Saec. XI'. 250 × 175 mm. The main text, in ordinary minuscule saec. XII, contains Garipon-

- tus and Constantinus Africanus. Cf. T. De Marinis, *La biblioteca napoletana dei re d'Aragona. Supplemento* (Verona, 1969), p. 53. (J. Vezin)
- MS. lat. 7030 B.** Palimpsest, lower script of fol. 85r-v. Mattheus (21:2-5). 'Saec. XI'. 160 × 140 mm. The upper script, saec. XIV, contains medica varia. (J. Vezin)
- MS. lat. 7765.** *Rhetorica* (Cicero, Boethius etc.). Written in ordinary minuscule saec. XI. There are marginal notes in Beneventan on fols. 36 and 44v. (J. Vezin)
- MS. lat. 8567.** Palimpsest, lower script of fols. 1-8v, 43-62v. Medica (?). 'Saec. X/XI'. 270 × 190 mm. The main text, saec. XIV, contains epistulae variae and Vita s. Albani. (P. Gasnault)
- MS. lat. 10233.** *Oribasius, Synopsis*. Written in uncial and half-uncial saec. VII ex. Two probationes pennae in Beneventan saec. XI are found in the margin of fol. 97. Cf. Huglo, 'Liste complémentaire', 90.
- MS. lat. 10308,** fol. 173v (fly-leaf). Unidentified text (resembles Gesta Romanorum). 'Saec. XI'. 1 col., 24 lines. Cf. E. K. Rand, 'Un nouveau fragment bénéventain', *Latomus* 2 (1938) 279-83 and pls. 3, 4. (B. E. Levy) (For the contents and date of the rest of the manuscript cf. Lowe, *The Beneventan Script*, p. 356.)
- MS. lat. 16528.** *Ps.-Beda etc.* Written in ordinary minuscule at Monopoli in 1188. Beneventan entries and marginalia occur on pp. 2, 52-56, 59-61, 64-68, 70, 72-83. Cf. S. H. Thomson, *Latin Bookhands of the Later Middle Ages* (Cambridge, 1969), no. 60. (F. Newton, J. C. Wey)
- MS. gr. 1053.** *Ascetica varia etc.* Saec. X/XI. On fol. 247v, *Ps* 53:1-2a have been added in Beneventan. Cf. R. Devreesse, *Les manuscrits grecs de l'Italie méridionale* (Histoire, classement, paléographie) (*Studi e Testi* 183; Vatican City, 1955), p. 28 n. 8. (F. Newton, B. E. Levy)
- MS. gr. 1397.** Palimpsest, lower script of fol. 224. 1 Reg (26:1 (?) - 23). Undetermined date. 280 × 185 mm. Upper script, saec. XI, contains Strabo. (J. Vezin)
- MS. suppl. gr. 1297.** *Medica*. Saec. XI. 2 lines in Beneventan have been added in the lower margin of fol. 89. Cf. C. H. Haskins, *Studies in the History of Mediaeval Science*, 2nd edition (Cambridge, Mass., 1927), p. xiii. (H. Hoffmann)
- MS. slave 44.** Palimpsest, lower script. Antiphonarium. 'Saec. XI'. 215 × 140 mm. Upper script, saec. XV, contains various prayers. (P. Gasnault)

PARMA

Archivio di Stato

- Frammenti di codici 1.** Augustinus, Quaestiones evangeliorum (2.40). 'Saec. XIII'. 1 folio, now measuring 363 × 282 mm., 2 cols. (width of 1 col. 95 mm.), 27 lines. Cf. E. Falconi, 'Frammenti di codici in beneventana nell'Archivio di Stato di Parma', *Bullettino dell'Archivio paleografico italiano*, 3rd Ser., 2-3 (1963-64) 77-82, 96-98 and pls. 1, 2.
- Frammenti di codici 2.** Passio ss. Margaretae et Focae. 'Saec. XIII'. 1 folio, now measuring 353 × 252 mm., 2 cols. (width of 1 col. 82 mm.), 30 lines surviving. Cf. Falconi, 'Frammenti', 82-87, 98-100 and pls. 3, 4.
- Frammenti di codici 3.** Augustinus, Tractatus in Iohannem (50.11-12). 'Saec. XI/XII. Bari type.' 2 mutilated folios, now measuring 344 × 242 mm. and 345 × 241 mm., 2 cols. (width of 1 col. 120 mm.), 22 lines surviving. Cf. Falconi, 'Frammenti', 87-95, 100-104 and pls. 5-8.

PERUGIA

- Biblioteca Comunale Augusta: MS. 3299.** Passio s. Sebastiani. 'Saec. XI'. 1 folio, 342 × 225 mm., 2 cols., 23 lines. (*R. Grégoire*)

PISTOIA

- Biblioteca Forteguerriana: MS. D, 296.** Psalterium. 'Saec. XII'. (*A. Petrucci*)

RAGUSA (see DUBROVNIK)

REGENSBURG

- Bischöfliche Zentralbibliothek: Fragmentenkasten I/2.** Passionarium (?). 'Saec. X/XI'. 6 strips, now measuring 40 × 80 mm., traces of 5-8 lines surviving. Formerly in the binding of SWS P.P. 301. (*K. Gamber, B. Bischoff*)

RIMINI

Biblioteca Civica Gambalunga

- SC-MS. 24** (formerly **D.II.12**). Evangelium. 'Saec. XI ex.' A number of leaves at the beginning, end, and elsewhere in the manuscript are missing. Cf. A. Campana, 'Le biblioteche della provincia di Forlì' in *Tesori delle biblioteche d'Italia*, ed. D. Fava, 1 (1932), p. 40. (*A. Campana, P. Meldini*)
- SC-MS. 74** (formerly **D.II.35**). Honorius Augustodunensis, Elucidarium; Hugo de Sancto Victore, De tribus diebus. 'Saec. XII'. (*V. Brown*⁵)

⁵ I am planning a study of this manuscript.

ROME

Abbazia di S. Paolo fuori le Mura

S.N. *Commentarius in Iohannem*. 'Saec. XI'. Part of 1 folio, now measuring 205 × 208 mm., 2 cols. (width of 1 col. 87 mm.), 21 lines surviving. This fragment, together with the following item, is at present (June 1974) kept in a folder. (*V. Brown*)

S.N. Unidentified text. 'Saec. XII'. 1 badly mutilated folio in very poor condition, 1 col., c. 25 lines surviving. Kept in a folder along with the preceding item. (*V. Brown*)

Biblioteca Angelica: MS. 1439 (T 8.11), fols. 1v, 229 (fly-leaves). *Evangelarium*. 'Saec. XII'. 2 folios, now measuring 285 × c. 180 mm. (240 × 110 mm.), 1 col., 26-27 lines. The main text, saec. XIV, contains *liturgica varia*; on fol. 227v there is an *ex libris* of the Monastero di Santa Maria de Casamare. Cf. Huglo, 'Liste complémentaire', 90 and pl. 11b (fol. 229v).

Biblioteca Casanatense

MS. 614 (B III 7), fols. 138-142. *Orationale*. 'Saec. XIV'. 239 × c. 140 mm. (178 × 110 mm.), 1 col., 22 lines. Cf. *Censimento* I, pp. 1127-28. (*V. Brown*) (For the contents and date of the rest of the manuscript cf. Lowe, *The Beneventan Script*, p. 357.)

MS. 1086 (A III 11), fols. I, II (front fly-leaves). *Sulpicius Severus, Vita s. Martini*. Saec. XI. 2 folios, now measuring 320 × 245 mm. (width 196 mm.), 2 cols., 34 lines. Cf. E. A. Lowe, *Scriptura Beneventana* (Oxford, 1929), description of pl. 16. (*V. Brown*) (For the contents and date of the rest of the manuscript cf. Lowe, *The Beneventan Script*, p. 358.)

MS. 1359 (B II 12). *Breviarium*. 'Saec. XIII/XIV'. Cf. Di Franco-Jemolo-Avesani, 'Nuove testimonianze', 859-60 and pls. 1, 2 (fols. 2, 137).

MS. 1574 (C IV 1), fol. 33 (alternate numbering, fol. 38). *Antiphonarium*. 'Saec. XIII/XIV'. 250 × 155 mm. (width 101 mm.), 1 col., 12 lines. The rest of the manuscript is written in ordinary minuscule saec. XII² and consists of various liturgical texts for the use of the Monastero di Sant'Angelo, Gaeta. Cf. Huglo, 'Liste complémentaire', 90; Di Franco-Jemolo-Avesani, 'Nuove testimonianze', 864-66 and pl. 6 (fol. 33r).

Incunabulum 1392. *Actus apostolorum*. 'Saec. IX'. 2 fragments, 151 × 207 mm. (width c. 165 mm.) and 131 × 210 mm. (width 180 mm.), 2 cols.,

14 and 13 lines surviving. Bound with Bonus Accursius, *Compendium Elegantiarum Laurentii Vallae* (Rome, [1479-80]) etc. (G. Cavallo)

Biblioteca Vallicelliana

- MS. B 10**, fol. 214r. 4 Reg (25:26-30). 'Saec. XI/XII'. Fols. 1-95v contain the Libri Regum and Proverbia Salomonis in ordinary minuscule saec. XII, and fols. 96-213v the Libri Regum in ordinary minuscule saec. XI. Cf. Di Franco-Jemolo-Avesani, 'Nuove testimonianze', 860-61 and pl. 3 (fol. 214r).
- MS. B 59**. Palimpsest, lower script of fols. 1-39. Unidentified text. 'Saec. XI', ut vid. C. 345 × 250 mm. (c. 265 × 190 mm.), 2 cols., 32 lines. (V. Brown) (For the contents and date of the upper script cf. Lowe, *The Beneventan Script*, p. 359.⁶)
- MS. B 76**. Palimpsest, lower script of fols. 1-178; fol. 179, which may have formed part of the original manuscript and now serves as a fly-leaf, was not erased. Antiphonarium. 'Saec. XI'. Present measurements of fol. 179: 150 × 130 mm., 1 col., 7 lines. Upper script, saec. XV, contains Dicta seu doctrina SS. patrum and was copied by 'Arnaldus Iaius' (according to the subscription on fol. 176v). The codex formerly belonged to the Monastero di San Bartolomeo di Trisulti. Cf. Di Franco-Jemolo-Avesani, 'Nuove testimonianze', 861-73 and pl. 4 (fols. 179, 19).
- MS. C 39**. Palimpsest, lower script of fols. 136-184, 189-90. Liturgica, with neums. 'Saec. X/XI', ut vid. 241 × 150 mm., 1 col. Cf. L. Avitabile et al., 'Censimento dei codici dei secoli X-XII', *Studi medievali*, 3rd Ser., 11 (1970) 1044. (V. Brown) (For the contents and date of the upper script cf. Lowe, *The Beneventan Script*, p. 359.)
- MS. C 63**. Palimpsest, lower script of fols. 113-144, 153-158. 'Saec. X/XI'. The palimpsest folios come from at least 2 different manuscripts whose present measurements are: c. 240 × c. 185 mm., 2 cols. (width of 1 col. 75 mm.), at least 24 lines (unidentified text); c. 185 × c. 130 mm., 1 col., 8 lines (liturgica, with neums). Upper script, in ordinary minuscule saec. XII, contains John Chrysostom, Epistulae and Excerpta Gregorii Magni, Augustini etc. Cf. Di Franco-Jemolo-Avesani, 'Nuove testimonianze', 863.

⁶ Lowe, *The Beneventan Script*, p. 359: with regard to MS. B 59, read 'upper' for 'lower'; the lower script has been considered a 'new' item because there is no clear indication in the entry on p. 359 that it is indeed Beneventan.

MS. E 15. *Sacramentarium*. Written in ordinary minuscule saec. XI. Entries in Beneventan 'saec. XII' by at least two hands on fols. 2, 76v, 82, 90, 98v, 197v. Cf. Di Franco-Jemolo-Avesani, 'Nuove testimonianze', 863-64.

Biblioteca Nazionale: MS. Sess. 148 (1404). Palimpsest, lower script of fols. 42-45, 49, 50, 53, 54, 57, 58, 61, 62, 65, 67, 68, 70, 72, 73, 78, 79, 81, 82, 85, 86, 89, 90, 93, 94, 97, 98, 101, 102, 105, 106, 109, 110, 113, 114, 117, 118. Unidentified text. 'Saec. XI', ut vid. C. 300 × 204 mm., 2 cols. (width of 1 col. c. 85 mm.), at least 27 lines. Upper script, ordinary minuscule saec. XII², contains pastoral works. Cf. *Censimento* I, p. 1186. (V. Brown)

Università degli Studi, Istituto di Paleografia: S.N. Hymnarium. 'Saec. XI'. Part of 1 folio, now measuring 290 × 235 mm., 2 cols., 14 lines. From the cover of a notarial document. (G. Cavallo, A. Petrucci)

Armando Petrucci Collection: S.N. Homiliarium. 'Saec. XIII'. Lower part of 1 folio, now measuring 205 × 285 mm., 2 cols., 15 lines surviving. (A. Petrucci)

SALERNO

Archivio di Stato

Frammenti. Origines-Rufinus, Homilia de Numeris (13). 'Saec. X in.' Parts of 2 folios, 229 × 300 mm. (width 212-214 mm.), 2 cols., 19-20 lines surviving. Estimated original size: c. 400 × 300 mm. (370 × 212-214 mm.), 2 cols., 40 lines. Found among documents copied by Francesco da Campulo, a notary at Amalfi. Cf. F. Troncarelli, 'Testimonianze di scrittura beneventana a Salerno', *Studi medievali*, 3rd Ser., 18 (1977), with plates. (A. Petrucci)

SAN FRANCISCO

Bernard M. Rosenthal Collection (Our knowledge of these items is owing to Mr. B. M. Rosenthal; the following descriptions were supplied by Professor C. E. Murgia.)

- (i) Vergilius, *Georgica* (1.61-120). 'Saec. XI². Bari type.' 1 folio, 309 × 200 mm. (217 × 115 mm.), 1 col., 30 lines.
- (ii) Patristica. 'Saec. XII'. 1 folio, now measuring 317 × 238 mm. (245 × 151 mm.), 1 col., 26 lines.
- (iii) Tractatus in evangelium s. Iohannis. 'Saec. XI ex. Bari type.' A bifolium, 335 × 231-189 mm. (255 × 165 mm.), 2 cols., 33 lines.
- (iv) Patristica. 'Saec. XII'. 1 folio, 324 × 224 mm. (263 × 151 mm.), 1 col., 27 lines. Formerly in the collection of Mark Lansburgh.

- (v) Lectionarium. 'Saec. XI²'. A bifolium, 332 × 222 mm. (247 × 151-153 mm.), 2 cols., 24 lines.
- (vi) Liturgica. 'Saec. XII'. 1 folio, 400 × 211 mm. (245 × 150 mm.), 2 cols., 30 lines.
- (vii) Liturgica. 'Saec. XI ex.' A bifolium, 325 × 205-224 mm. (240-244 × 157-162 mm.), 2 cols., 24 lines.
- (viii) Sermones. 'Saec. XIII'. 1 mutilated folio, now measuring 389 × 330 mm. (310 × 250 mm.), 2 cols., 33 lines surviving.
- (ix) Sermones. 'Saec. XII'. 1 folio, now measuring 314 × 306 mm. (width 227 mm.), 2 cols. (width of 1 col. 100 mm.), 35 lines surviving.

SANTA BARBARA (California)

Mark Lansburgh Collection: see under **Berkeley** and **Colorado Springs**.

SIBENIK

Samostan Sv. Franje

MS. 1. Vita s. Vidae. 'Saec. XI'. 2 folios, pasted to the front and back covers and now measuring 285 × 245 mm. and 170 × 245 mm., 2 cols., 27, 10, and 13 lines. The main text, written in ordinary minuscule saec. XI, contains a Liber sequentiarum. Cf. Huglo, 'Liste complémentaire', 90.

Incunabulum 98, front and back fly-leaves. Sermones. 'Saec. XI ex. Bari type.' 2 folios, now measuring 310 × 130 mm., 1 col., 29-30 lines. The main text contains Nicolaus Perottus, *Cornucopiae* (Venice, 1489). (*P. O. Kristeller*)

SOLOTHURN

Staatsarchiv: Handschriftensammlung S.N. Urbarium. 'Saec. XIII. From Salerno.' (*B. Bischoff, A. Bruckner*)

TORTOSA

Biblioteca de la Catedral: MS. 122. Palimpsest, lower script of fols. 41v, 42r-v, 44v. The erasure is so thorough that neither the contents nor the date can be determined with reasonable probability. 1 col. (?). Upper script contains liturgica varia. (*A. Mundó, R. E. Reynolds, J. G. Plante*)

TRANI

Archivio Capitolare: see under **Canosa di Puglia**.

TRENT

Lawrence Feininger Collection (*B. Bischoff, †L. Feininger*)

- (i) Commentarius in epistulas Pauli. 'Saec. XII'. A bifolium and part of 1

folio, 390 × 250 mm. and 390 × 130 mm., 2 cols. (height and width of 1 col. c. 311 × c. 85 mm.), 37 lines. Removed from a binding.

- (ii) Missale, with neums. 'Saec. XII'. Lower part of a bifolium, c. 306 × 415 mm., 1 col., 12 lines surviving.

TURIN

Sion Segre-Amar Collection: MS. 141. Lectionarium (?) (Lc 22:3-6, 10-15).

'Saec. XII. Bari type?' 1 strip, 175 × 55 mm., with a full-length portrait of St. Luke; traces of 10 and 17 lines. Bought at the Sotheby sale of 9 December 1974 (lot 14); cf. sales catalogue, p. 7 and facing plate. (*S. Segre-Amar*)

UDINE

Biblioteca Arcivescovile: MS. 7. Pascasius, Liber geronticon. 'Saec. XII'. Cf.

M. D'Angelo, 'Un codice inesplorato in scrittura beneventana esistente nella Biblioteca Arcivescovile di Udine' in *Saggi e documenti di letteratura religiosa medioevale* (San Daniele del Fr., 1975), pp. 77-91 and 3 plates (fols. 56v, 98v, 99). (†*B. M. Peebles*)

VATICAN CITY

Biblioteca Apostolica Vaticana

MS. Vatic. lat. 80, front fly-leaf. Orationes. 'Saec. XI'. 1 folio, now measuring 210 × 138 mm. (165 × c. 100 mm.), 1 col., 18 lines surviving. The main text, written in ordinary minuscule saec. XII, contains Sermones; 'Walafridus Strabo', Glossa ordinaria; Gregorius Magnus, Moralia in Iob. Cf. Huglo, 'Liste complémentaire', 90; Salmon, *MSS. liturgiques* 5, no. 169bis.

MS. Vatic. lat. 205, front (unnumbered) and back (numbered '91', '92') fly-leaves. Beda, Homiliae. 'Saec. XI'. 2 folios, folded in two, now measuring 333 × 267 mm. (width 216 mm.), 2 cols., 30 lines surviving. The main text, written in ordinary minuscule saec. XII ex., contains Rufinus' translation of Origines, Homiliae. Cf. Finch, 'More Beneventan Manuscripts', 9.

MS. Vatic. lat. 3032, back fly-leaves. Vitae sanctorum. 'Saec. XII. Bari type.' 1 mutilated folio, folded in two, now measuring 213 × 157 mm., 1 col., 21 lines surviving. The main text, saec. XV, contains Paulus Venetus, Logica parva etc. Cf. C. E. Finch, 'Beneventan Writing in Codices Vat. lat. 3032, 5951, and 7277', *American Journal of Philology* 87 (1966) 455.

MS. Vatic. lat. 4928, back fly-leaves. Lectionarium. Saec. XI. Upper part of 1 folio, folded in two and bound upside down, now measuring

- 218 × 276 mm., 2 cols. (width of 1 col. 90 mm.), 22 lines surviving. Cf. E. A. Lowe, *Scriptura Beneventana* (Oxford, 1929), description of pl. 82. (*J. Ruysschaert*) (For the contents and date of the rest of the manuscript cf. Lowe, *The Beneventan Script*, p. 363.)
- MS. Vatic. lat. 4946.** *Expositio in Psalmos*. Written in ordinary minuscule saec. XII which displays traces of Beneventan influence. 2 lines in Beneventan 'saec. XII/XIII' have been added on fol. 162 at the end of Psalm 150. Cf. G. Mercati, *Codici latini Pico Grimani Pio e di altra biblioteca ignota del secolo XVI (Studi e Testi 75; Vatican City, 1938)*, p. 126. (V. Brown)
- MS. Vatic. lat. 7701**, fols. 81v (last 13 lines), 83. Pontificale. 'Saec. X'. Cf. Finch, 'More Beneventan Manuscripts', 9. (The 10 lines in Beneventan saec. XI in. on fol. 34v were noted by Lowe, *The Beneventan Script*, p. 364.)
- MS. Vatic. lat. 10657.** Palimpsest, lower script of fols. A, 1-3, 98, 100, 101, 103. Graduale. 'Saec. XI'. 325 × 210 mm. (width 132 mm.), 1 col., c. 34 lines surviving. Cf. A. Petrucci, ed., *Codice diplomatico del monastero benedettino di S. Maria di Tremiti (1005-1237)* (Rome, 1960), p. clxi; Salmon, *MSS. liturgiques* 2, no. 573. (V. Brown, M. Henninger) (For the contents and date of the rest of the manuscript cf. Lowe, *The Beneventan Script*, p. 365.)
- MS. Vatic. lat. 14437**, fols. 23-26. Paulinus ep. Nolanus, Natalicia (9). 'Saec. XI ex.' 192 × 145 mm. (160 × 95 mm.), 1 col., 22 lines. Fols. 1-22, written in ordinary minuscule saec. IX, contain Arator, *De actibus apostolorum*. Cf. Di Franco-Jemolo-Avesani, 'Nuove testimonianze', 877-79 and pls. 11, 12 (fols. 23, 26v); J. Bignami Odier, 'Membra disiecta du fonds de la Reine dans le fonds Vatican latin de la Bibliothèque Vaticane. Notes inédites de Bernard Itier', *Mélanges de l'Ecole française de Rome (Moyen Age-Temps modernes)* 85 (1973) 587, 588, 590.
- MS. Vatic. lat. 14446.** Breviarium. Saec. XIII. Formerly in the Archivio Capitolare, Caiazzo. Fols. 23 A, B were listed in Lowe, 'New List', 218 under Caiazzo Pacco II, no. 12 (c); they have been returned to MS. Vatic. lat. 14446 from which they were detached. Cf. Di Franco-Jemolo-Avesani, 'Nuove testimonianze', 879-81 and pl. 13 (detail of fol. 40); Salmon, *MSS. liturgiques* 1, no. 487.
- MS. Vatic. lat. 14726.** *Prophetæ maiores et minores*. 'Saec. XI²'. Formerly in the Archivio Capitolare, Caiazzo. The codex was rebound 12 February 1970. (*J. Ruysschaert*)

MS. Vatic. lat. 14728. IV Libri Regum. 'Saec. XI'. Formerly in the Archivio Capitolare, Caiazzo. (*R. Avesani*)

MS. Vatic. lat. 14730. Hieronymus, Expositio in Matthaeum; Beda, Expositio in Marcum. 'Saec. X'. Formerly in the Archivio Capitolare, Caiazzo. (*R. Avesani*)

MS. Vatic. lat. 14733 (fragments; rebound 12 February 1970 [*J. Ruys-schaert*]). (*V. Brown, P. Salmon, J. Ruys-schaert*)

(i) Fols. 56-65. Officium sanctae Eucharistiae. 'Saec. XIII²'. 310 × 210 mm. (235 × 160 mm.), 1 col., 37 lines. Cf. Salmon, *MSS. liturgiques* 5, no. 149.

(ii) Fol. 96. Officium nativitatis B.M.V. 'Saec. XII/XIII'. 237 × 152 mm. (215 × 115 mm.), 2 cols., 37 lines. Cf. Salmon, *MSS. liturgiques* 5, no. 149.

(iii) Fols. 97-98. Antiphonarium. 'Saec. XIII'. Mutilated; 153 × 191 mm. and 333 × 190 mm. (width c. 140 mm.), 1 col., 9-10 and 15 lines surviving. Cf. Salmon, *MSS. liturgiques* 5, no. 91.

MS. Vatic. lat. 14785 (fragments), fol. 30. Homiliarium. 'Saec. X'. 305 × 235 mm. (255 × 175 mm.), 2 cols., 27 lines. The folio was placed in the manuscript 21 January 1974. (*J. Ruys-schaert*)

MS. Vatic. lat. 14815 (fragments), fol. 45. Breviarium. 'Saec. XII'. 385 × 272 mm. (300 × 206 mm.), 2 cols., 30 lines. Removed in 1970 from Boncompagni MS. H 25. The codex which presently contains the folio was compiled 30 October 1970 (*J. Ruys-schaert*). Cf. Salmon, *MSS. liturgiques* 5, no. 151. (*V. Brown*)

MS. Vatic. gr. 866. *Menologium*. *Saec. XI/XII*. On fols. 114, 120, 124, and 193v there are marginal entries in Beneventan 'saec. XI, Bari type'. Cf. *D. Lohrmann*, 'Zwei Passionare des 12. Jahrhunderts aus der Kapitelbibliothek von Benevent', *Quellen und Forschungen* 46 (1966) 468 n. 12. (*F. Newton, H. Hoffmann*)

MS. Arch. S. Pietro F 24, fols. 1-2 (fly-leaves). Exodus. 'Saec. XII'. 1 folio, folded in two, c. 405 × 254 mm. (width 205 mm.), 2 cols. (width of 1 col. 90-93 mm.), 34 lines. The main text, written in Gothic saec. XIV, contains a Hymnarium. Cf. Salmon, *MSS. liturgiques* 1, no. 93; Finch, 'More Beneventan Manuscripts', 9-10.

MS. Arch. S. Pietro Caps. 72, fasc. 53, 2 (fragments from the Monastero di San Salvatore alla Maiella; cf. Di Franco-Jemolo-Avesani, 'Nuove testimonianze', 871-75 and pls. 7-9).

(i) *Commentarius in regulam s. Benedicti*. 'Saec. XII'. A bifolium, now measuring 275-260 × 201-195 mm. (228 × 128 mm.), 1 col., 31 lines. Formerly kept in Fasc. 53, 1.

- (ii) Augustinus, De sermone Domini in monte. 'Saec. XI'. 1 mutilated folio, now measuring 320-250 × 300-285 mm. (width 234 mm.), 2 cols., 24 lines surviving.
- (iii) Lectionarium patristicum. 'Saec. XI', ut vid. 2 bifolia, c. 350 × 255 mm. (255 × 190 mm.), 2 cols., 26 lines. Formerly kept in Fasc. 53, 6.
- MS. Barb. lat. 302.** Palimpsest, lower script. Unidentified text. 'Saec. XI', ut vid. 325 × 253 mm. (294 × 200 mm.), 2 cols., 30 lines. Upper script, saec. XIV, contains Urso Salernitanus, Aphorismi; Liber de comixtionibus elementorum. (*H. Mordek*)
- MS. Barb. lat. 517.** Enchiridion monasticum. 'Saec. XIV'. Cf. Salmon, *MSS. liturgiques* 1, no. 214 and 3, no. 155. (*V. Brown*)
- MS. Barb. lat. 540.** Ordo officii. 'Saec. XII. Bari type.' Cf. Finch, 'More Beneventan Manuscripts', 9.
- MS. Barb. lat. 627,** fol. 1r. Remigius Autisiodorensis, Commentarius in Matthaeum. 'Saec. XII in.' The main text, in ordinary minuscule saec. XI, contains the same commentary by Remigius; the passage added on fol. 1r was omitted by the original scribe. From the Monastero di San Giovanni in Fiore. Cf. Di Franco-Jemolo-Avesani, 'Nuove testimonianze', 875-77 and pl. 10 (fol. 1r).
- MS. Barb. lat. 681,** binding fragment. Liturgica, with neums. 'Saec. XII'. 1 strip of a bifolium, bound sideways and serving to strengthen the binding, now measuring 31 × 298 mm. (width 115 mm.), 1 col., 1 line surviving. The main text, saec. XIII, contains a Pontificale. Cf. Huglo, 'Liste complémentaire', 90.
- MS. Borgianus lat. 356.** Liber horarum. 'Saec. XVI'. Cf. Salmons, *MSS. liturgiques* 4, no. 435; Finch 'More Beneventan Manuscripts', 9.
- MS. Chigi S V 4** (fragments), **no. 11.** Antiphonarium. 'Saec. XII'. 5 fragments, 165 × 204 mm., 166 × 211 mm., 315 × 203 mm., 320 × 200 mm., 303 × 196 mm. (width c. 170 mm.), 1 col., 15, 5, 20, 8, and 14 lines surviving. Cf. Salmon, *MSS. liturgiques* 5, nos. 53, 116. (*V. Brown*)
- MS. Ottob. lat. 3,** front fly-leaves. Antiphonarium. 'Saec. XII'. 1 folio, folded in two, 289 × 203 mm. (231 × 135 mm.), 1 col., 18 lines. Cf. *Paléographie musicale* 14 (Solesmes, 1936), pp. 233, 454 and pls. XXXII, XXXIII; Salmon, *MSS. liturgiques* 1, no. 458 and 2, no. 160. (*V. Brown*) (For the contents and date of the rest of the manuscript cf. Lowe, *The Beneventan Script*, p. 366.)
- MS. Ottob. lat. 386,** fly-leaves C, Z. Passio s. Quiriaci (Iudae). 'Saec. XI/XII'. 2 mutilated folios bound upside down, 200 × 140 mm. and

198 × 97 mm., 2 cols. (width of 1 col. 85 mm.), 18 and 13 lines surviving. Offsets on fol. A. The main text, saec. XV, contains ps.-Augustinus, *De vera et falsa paenitentia*; ps.-Seneca, *De quattuor virtutibus cardinalibus* etc. Cf. Salmon, *MSS. liturgiques* 4, no. 213; E. Pellegrin et al., *Les manuscrits classiques latins de la Bibliothèque Vaticane* 1 (Paris, 1975), pp. 441-42. (V. Brown)

MS. Ottob. gr. 251, front fly-leaves. Epistolae. 'Saec. XI²'. 2 mutilated folios, 261 × 190 mm., 2 cols. (width of 1 col. 62 mm.), 22 lines surviving. The main text, saec. X, contains Theodorus, *Sermones*. Cf. Finch, 'More Beneventan Manuscripts', 10.

MS. Ross. 297 (fragments)

(i) Fols. 2-3. *Lamentationes Ieremiae*. 'Saec. X/XI'. Now measuring 417 × 276 mm., 2 cols. (width of 1 col. 126 mm.), 25 lines surviving. Cf. Huglo, 'Liste complémentaire', 91; Salmon, *MSS. liturgiques* 1, nos. 141, 434 and 5, no. 360.

(ii) Fols. 4-5. *Homiliarium*. 'Saec. X ex.' Now measuring 413 × 270 mm., 2 cols. (width of 1 col. 127 mm.), 39 lines. Cf. Salmon, *MSS. liturgiques* 5, no. 360.

(iii) Fol. 6. *Evangeliarium*. 'Saec. XIII in.' Now measuring 353 × 259 mm. (width 210 mm.), 2 cols., 26 lines surviving. Cf. Salmon, *MSS. liturgiques* 5, no. 177.

(iv) Fols. 7-8. *Homiliarium*. 'Saec. XI/XII'. 488 × 353 mm. (430 × 258 mm.), 2 cols., 45 lines. (The measurements and number of columns and lines given are those of fol. 8; fol. 7 is but a fragment.) Cf. Salmon, *MSS. liturgiques* 5, no. 360.

VIENNA

Oesterreichische Nationalbibliothek

MS. Ser. n. 3632. *Homiliarium*. 'Saec. XI/XII'. A bifolium, now measuring 350 × 140 mm., 2 cols., 32 lines. (B. Bischoff)

MS. Ser. n. 11928. Iustinianus, *Institutiones*. 'Saec. XII'. A mutilated bifolium, 218-223 × 141-151 mm. (210 × 96 mm.), 1 col., 31 lines. From the same codex as the Beneventan fly-leaves in MS. 3495 (cf. Lowe, *The Beneventan Script*, p. 369). (L. Bieler)

MS. Theol. gr. 137. Gregorius Magnus, *Dialogi*. 'Saec. XI ex. Bari type.' The Greek translation of Pope Zacharias is given in alternate columns. Cf. C. Hannick, 'Die griechische Ueberlieferung der Dialogi des Papstes Gregorius und ihre Verbreitung bei den Slaven im Mittelalter', *Slovocaspis Staroslavenskog instituta u Zagrebu* 24 (1974) 48. (O. Kresten⁷)

⁷ Drs. Kresten and Hannick are planning a study of this manuscript.

Universität, Institut für Oesterreichische Geschichtsforschung

MS. Nr. 4. Evangelarium. 'Saec. XI ex.' 2 bifolia, 207 × 145 mm. (154-162 × 105-117 mm.), 1 col., 7 lines. Cf. *Paléographie musicale* 15 (Solesmes, 1937), p. 69. (*H. Fichtenau*)

MS. Nr. 24. Antiphonarium. 'Saec. XIII/XIV'. 1 folio, 425 × 326-333 mm. (305-314 × 207-225 mm.), 1 col., 9 lines. Cf. *Paléographie musicale* (cited from the preceding item), *ibid.* (*H. Fichtenau*)

ZAGREB (AGRAM)

Arhiv Jugoslavenske Akademije: Fragm. 3. Liturgica. 'Saec. XII'. Upper part of 1 folio in very bad condition, width 350 mm., 2 cols., 21 lines surviving. (*Z. Passek*)

* * *

MANUSCRIPTS IN PRIVATE COLLECTIONS
IN EUROPE AND THE UNITED STATES⁸

Missale, with neums. 'Saec. XI¹. Bari type.' 1 folio, 344 × 244 mm. (265 × 185 mm.), 2 cols., 29 lines.

Missale, with neums. 'Saec. XI'. 1 folio, apparently pasted to a cover at one time, c. 350 × c. 250 mm., 2 cols., 29 lines.

* * *

Appendix

MISSING, FOUND, ALLEGED,
AND SPURIOUS 'NEW' BENEVENTAN MANUSCRIPTS

BENEVENTO

Biblioteca Capitolare: A Bible (Gen 7-Num 32; 420 × 300 mm., script area 342 × 240 mm.) and Missal, according to Gaetano Cangiano (10 September 1921). (Cf. Lowe, 'New List', 215.)

[The Bible was missing in July 1961 and no further information could be obtained in April 1976 (*A. Ferrara*); the Missal is now London, British Library Egerton MS. 3511 (formerly Benevento VI 29 and listed by Lowe, *The Beneventan Script*, p. 336) (*D. Bullough*).]

CANOSA DI PUGLIA

Archivio Capitolare: MS. 1. Missale. Written in Gothic saec. XIII and containing fragments in Beneventan; cf. G. Mazzatinti - A. Sorbelli, *In-*

⁸ The owners of the two items given below wish to remain anonymous.

ventari dei manoscritti delle biblioteche d'Italia 6 (Forlì, 1896), p. 123: '... come pure qua e là nelle restaurazioni, fatte del resto male, sono adoperati frammenti di evangelieri di scrittura longobarda cassinese dei secoli X e XI...' (*V. Brown*)

[The manuscript was restored at Grottaferrata in 1952 and it is possible that the alleged Beneventan fragments, which are no longer visible, were removed at that time. (*G. Bellifemine*)]

CAPESTRANO

Convento S. Giovanni, Codici dell'Oratorio: MS. LIII. Patristica. 'Saec. X'.

A fragment pasted to the back cover; cf. A. Chiappini, 'Reliquie letterarie capestranesi: storia, codici, carte, documenti', *Bullettino della R. Deputazione abruzzese di storia patria*, 3rd Ser., 9-10 (1918-19) 131. (*V. Brown*)

[The manuscript has subsequently been restored, and the alleged fragment, which is no longer there, could have been removed at that time. (*B. Le Donne*)]

CAVA

Archivio della Badia della Santissima Trinità: Various fragments with numerous Beneventan additions. (Cf. Lowe, 'New List', 219.)

[The only group of fragments able to be located at Cava in March 1976 was that already noted by Lowe, *The Beneventan Script*, p. 338 ('Collection of leaves in Beneventan writing, used for strengthening the binding of MSS. 11, 13, 14, 15, 17, 20, 21, 22, 23, and 29'); and it may be these to which the entry in the 'New List' refers. (*V. Brown, S. Leone*)]

CHICAGO

Newberry Library: MS. 36a. Missale. Saec. XI/XII. 1 folio, 233 × 183 mm. (202 × 120 mm.), 1 col., 29 lines. (Cf. Lowe, 'New List', 219.)

[M. Masi, 'Newberry MSS Fragments, S. VII - S. XV', *Mediaeval Studies* 34 (1972) 99-112, does not list 'MS. 36a', and an investigation conducted at the Newberry Library in 1974 did not turn up any trace of the fragment. There is apparently some confusion with another manuscript. (*W. B. Ross, Jr.*)]

James F. Hayes Collection: S.N. Psalterium. Saec. XII. Several bifolia, 1 col., 24 lines. 1 leaf is reinforced by a strip from a Beneventan liturgical manuscript, saec. XI. (Cf. Lowe, 'New List', 219.)

[There is some confusion with another manuscript which has yet to be located, for no Beneventan item has ever formed part of the Hayes collection. (*J. F. Hayes, W. B. Ross, Jr.*)]

CHIETI

Biblioteca Provinciale: 2 strips recovered from the binding of a sixteenth-century book. (*G. Cavallo, V. De Donato*)

[The manuscripts were in the process of being reorganized in March 1976, and no trace of the Beneventan fragments could be found at that time. (*U. De Luca*)]

CLUJ

Biblioteca Filialei Cluj a Academiei Republicii Socialiste România: MS. 8 (formerly MS. 171), fol. 72 (pasted to the back cover). Unidentified text (Sermones?). 'Saec. XIII'. The rest of the manuscript is in Gothic (fol. 1) and humanistic cursive (fols. 2-69) and contains Horatius, Carmina, Cicero, Somnium Scipionis, and Macrobius, Commentarius in Somnium Scipionis. Cf. S. Jakó, 'Codicele latine medievale din biblioteca lui Timotei Cipariu', *Revista arhivelor* 10 (1967) 62, 64. (*V. Brown*)

[It has not been possible to obtain a photograph of fol. 72; the description given above is based solely on the information in Jakó's article.]

COBLENZ

Landeshauptarchiv (formerly **Staatsarchiv**): Abt. 701/759 (fragments). (Cf. Lowe, 'New List', 220.)

(i) Commentarius in evangelium. 'Saec. XI'. 2 folios.

(ii) *A Beneventan addition in fragments in ordinary minuscule saec. X/XI.*

[The items could not be located in January 1976. (*V. Brown*)]

ESCORIAL

Real Biblioteca de San Lorenzo: MS. & I 2. Palimpsest, lower script of 5 folios. Commentarius in Regum libros. 'Saec. X'. (Cf. Lowe, 'New List', 221.)

[This entry was based on a reference given by G. Loewe - W. von Hartel, *Bibliotheca patrum latinorum Hispaniensis* 1 (Vienna, 1887), p. 57: 'Am unteren Rande von f. 8vb findet sich ein von einem grünen Cardinalshut überthrontes Wappen (schwarzer, einköpfiger Adler auf Goldgrün); es ist dasselbe, welches der Codex graec. R I 18 f. 1r mit der Dedication enthält.... In diesem Codex sind fünf Blätter Palimpsest mit lat. Schrift saec. X aus Monte Cassino, darin lesbar z.B. f. 2: interram (*sic*) dixit nathan....' There are no palimpsest leaves in MS. & I 2, and the codex in question is actually MS. R I 18 (listed on p. 251 above) which displays on fol. 82 the passage cited by Loewe-von Hartel. (*V. Brown, J. Fohlen*)]

FARFA

Biblioteca dell'Abbazia: Palmieri fragments. Fragments of 2 Beneventan graduals; cf. Huglo, 'Liste complémentaire', 89.

[The fragments, now Farfa MSS. AB.F. Musica XI and XII, were listed by Lowe, *The Beneventan Script*, p. 358, under Rome, Monastery of St. Calixtus, and hence do not constitute 'new' Beneventan items. The identification is confirmed by *Paléographie musicale* 2 (Solesmes, 1891), pl. 20, which reproduces part of a fragment reported to be in the collection of don Gregorio Palmieri, Monastery of St. Calixtus, Rome; this item is now MS. AB.F. Musica XI. (*V. Brown*)]

FOLIGNO

Biblioteca Ludovico Jacobilli del Seminario Vescovile: MS. C.IV.10 (Catal. 425), two back fly-leaves. Apocalypse. 'Saec. XI'. (Cf. Lowe, 'New List', 222, who reports that the manuscript could not be located on 25 July 1961.)

[The codex was found in July 1974 by *dott. Francesco Conti* who has supplied the following information for the Beneventan portion: 1 folio, folded in two, 312 × 209 mm. (245 × 153 mm.), 2 cols., 22 lines, which was removed from MS. C.IV.10 and is now kept in a folder with the note 'Folium scripturae Beneventanae solutum ex codice C.IV.10'.]

GIOVINAZZO

Archivio Capitolare: MS. 12, cover. Collectio canonum. 'Saec. XIII¹'. 1 folio. The main text contains the Necrologium Confraternitatis episcopii Iuvenacensis, saec. XIV. Cf. C. A. Garufi, 'L'obituario della "Confraternità dell'episcopio" conservato nell'Archivio Capitolare di Giovinazzo (Cod. n. 12)', *Apulia* 2 (1911) 9: 'Il foglio che serve di copertura al Cod. fu evidentemente tolto da un Cod. di diritto ecclesiastico largo quasi il doppio, ritagliato e adattato alle dimensioni dei vari quaternioni. In questo foglio di copertura, scritto in langobarda della prima metà del dugento ho potuto leggere: "Ut nulli de servili condicione ad sacros ordines promoventur nisi etc.".' (*B. E. Levy*)

[The codex is no longer in the Archivio Capitolare; according to F. Roscini, *Pavone Griffi. La chiesa dello Spirito Santo e tanta storia in Giovinazzo* (Giovinazzo, 1971), p. 51 n. 26, it now forms part of a private collection. (*G. Bellifemine*)]

KAŠTEL-SUČURAC

See under **Split**, p. 287 below.

KRK (VEGLIA)

Franjevački Samostan: 5 fragments. Monte Cassino type. (*B. Pecarski*, in a letter to E. A. Lowe dated 11 August 1964)

[No verification or further information was able to be obtained in 1975, 1976, and 1977. (*V. Brown*)]

LARINO

Archivio Capitolare: Radoinus, Vita s. Pardi. (Cf. Lowe, 'New List', 222.)

[The manuscript was still missing in 1975 and 1976, and no further information could be obtained. (*V. Brown*)]

LEYDEN

E. von Scherling.⁹ A number of Beneventan leaves were described briefly in *Rotulus. A Bulletin for Manuscript-Collectors*, and only four of them have been located, namely, Durham (North Carolina) Latin MS. 79 (= *Rotulus* 7 [1954], no. 2533; Lowe, 'New List', 219 under Chapel Hill), Leyden B.P.L. 2842 (= *Rotulus* 4 [1937], no. 2031; see p. 255 above), New Haven MS. 484, no. 15 (= *Rotulus* 1 [1931], no. 1269; Lowe, 'New List', 223, 228), and New York Plimpton MS. 53 (= *Rotulus* 1 [1931], no. 1237 and 2 [1932], no. 1455; see p. 284 below). Items remaining to be identified are as follows (*V. Brown*):

- (i) Paulus Diaconus, Homiliarium. 'Saec. X/XI'. A bifolium, 304 × 234 mm., 2 cols. Cf. *Rotulus* 3 (1933), no. 1641.
- (ii) Vita s. Ambrosii. 'Saec. XI'. 1 mutilated folio, now measuring 292 × 191 mm., 2 cols. Cf. *Rotulus* 4 (1937), no. 1879.
- (iii) Theologica. 'Saec. XI'. Part of 1 folio, 202 × c. 87 mm., 2 cols. Cf. *Rotulus* 6 (1952), no. 2411.
- (iv) Theologica. 'Saec. XI'. 1 mutilated folio, 2 cols. Cf. *Rotulus* 6 (1952), no. 2430.
- (v) Missale. 'Saec. XII'. 1 folio, 187 × 140 mm., 1 col., 23 lines. Cf. *Rotulus* 7 (1954), no. 2543 and plate (detail).

LONDON

British Library: Add. MS. 28107, fly-leaves and offsets on the front and back covers. Leo Ostiensis, Chronicon Casinense. Saec. XI/XII. Part of The Hague 73 B 24, Leyden B.P.L. 2602 A, London Add. MS. 28106 (fly-leaves), and Paris Nouv. acq. lat. 2199 etc. (Cf. Lowe, 'New List', 223.)

⁹ After his death in 1955 most of the residue of the stock was purchased by Maggs Bros., Ltd., but no Beneventan items appear to have been included (*H. C. Maggs*). The firm of solicitors who handled von Scherling's affairs has since gone out of business, and the whereabouts of the records of transactions are presently unknown (*J. P. Gumbert*).

[Add. MS. 28107, fly-leaves and offsets is not a 'new' item since it had been listed by Lowe, *The Beneventan Script*, p. 340, as 'Add. MS. 28106 (vol. ii)'. The confusion probably originated in the fact that Add. MS. 28107 (the proper shelf mark) is 'vol. ii' of the Stavelot Bible. Add. MS. 28106 ('vol. i') does not contain any Beneventan writing. (*V. Brown, A. Payne*)]

LUCERNE

Hüsler Collection: Lectionarium. 'Saec. XI'. 1 folio. (Cf. Lowe, 'New List', 224.)

[This fragment could not be located in 1975 and 1976. (*V. Brown*)]

MILAN

Ulrico Hoepli: Sermones. 'Saec. XIII'. 16 folios, 470 × 330 mm., 2 cols.; cf. *Catalogo di libri rari e preziosi dal secolo XIII al XX* (Libreria antiquaria Hoepli, 1953), pp. 40-41, no. 34 and pl. 21. (*I. A. Fenlon*)

[The antiquarian section of the firm suspended its activities some time ago, and it is not possible to trace this item. (*E. Hoepli*)]

MOLFETTA

Archivio Capitolare: S.N. Passiones ss. Marcelli, Blasii, Sabini. 'Saec. IX/X'. Fragments in the binding of a Missale, saec. XV. (Cf. Lowe, 'New List', 224-25.)

[The Missale (transferred to the Archivio Unico Diocesano, Molfetta in 1974) was restored at Grottaferrata in 1952, and the Beneventan fragments, which are no longer in the manuscript, could have been removed at that time. (*G. Bellifemine*)]

Graziano Bellifemine Collection

(i) Missale. Part of 1 folio, 312 × 90 mm., 2 cols., 36 lines.

(ii) Passionarium. Part of 1 folio, 200 × 60 mm., 2 cols., 6 lines surviving.

[The items were not available in July 1976, and further information has yet to be obtained. (*V. Brown*)]

MONOPOLI

Archivio Unico Diocesano: S.N. Lectionarium. 2 folios, now measuring 190 × 120 mm. (170 × 110 mm.), 1 col., 20 lines. Transferred in 1975 from the Archivio Capitolare to the Archivio Unico Diocesano. (*G. Bellifemine*)

[The item was not available in July 1976, and further information has yet to be obtained. (*V. Brown*)]

NAPLES

Biblioteca Nazionale

MS. IV G 42. Palimpsest, lower script of fols. 83, 85, 86, 88. Contents and date uncertain. (Cf. Lowe, 'New List', 227.)

[The lower script on these folios is not Beneventan but a type of notarial hand. (*V. Brown, G. Cavallo*)]

MS. V G 14. Palimpsest, lower script. Antiphonarium. 'Saec. XI/XII'. Upper script contains Plutarch, Vitae; cf. Huglo, 'Liste complémentaire', 90.

[There is some confusion here because Huglo's reference, which is based on the entry in *Paléographie musicale* 15 (Solesmes, 1937), p. 78, actually involves two codices: MS. V G 14 contains the Plutarch text, but is not palimpsest; MS. VI G 14 is palimpsest, the lower script being Beneventan 'saec. XI²' and the upper script containing a liturgical text saec. XVI. For further information regarding MS. VI G 14 see p. 264 above. (*V. Brown*)]

NEW YORK

Columbia University, Butler Library: Plimpton MS. 53. Gregorius Magnus, Homiliae in Ezechielem. 'Saec. IX'. A bifolium, 205 × 165 mm. (195 × 142 mm.), 2 cols., 32 lines. Cf. S. De Ricci - W. J. Wilson, *Census of Medieval and Renaissance Manuscripts in the United States and Canada* 2 (New York, 1937), p. 1762, no. 53; E. von Scherling, *Rotulus. A Bulletin for Manuscript-Collectors* 1 (1931), no. 1237.

[The script is of the pre-Caroline type written in northern Italy (*V. Brown, G. Cavallo*), and 'Bobbio?', saec. VIII² is suggested for the revised description in *Rotulus* 2 (1932), no. 1455.]

NOVARA

Biblioteca del Seminario Teologico Filosofico di S. Gaudenzio: MS. 20.

Liturgica, with neums. 4 folios from 2 manuscripts. Cf. Huglo, 'Liste complémentaire', 90.

[The manuscript was not in the library in 1975 and 1976 (*A. Bonfatti*), and further information has yet to be obtained (*V. Brown*).]

OLOMOUC

Státní Vědecká knihovna (formerly **Universitní knihovna**): Institutiones. 'Saec. XI'. (Cf. Lowe, 'New List', 229.)

[The entry is based on a reference in W. Weinberger, *Wegweiser durch die Sammlungen altphilologischer Handschriften* (Vienna-Leipzig,

1930), p. 94 n.: 'Auf eine glossierte Institutionenhs in süditalienischer Kerbschrift des 11. Jh. macht freundlichst Herr Dr. E. Schwab aufmerksam, der die von Savigny. *Gesch. röm. Recht* in MA 2, 199 beschriebene Turiner Hs vergleicht.' The manuscript, however, could not be located in 1974 either in this library or in the Kapitolní Knihovna (now in the Státní Archiv). (*V. Brown*)]

PISA

Biblioteca Capitolare. A complete Bible 'de lettera beneventana' is mentioned in an inventory dated prior to 1275. (Cf. Lowe, 'New List', 232.)

[No further information could be obtained in 1975 and 1976. (*V. Brown*)]

PRINCETON

University Library: Garrett MS. 108. Vergilius, Aeneis (7.250-361). Saec. IX. 2 folios, 290 × 200 mm. (Cf. Lowe, 'New List', 232.)

[Garrett MS. 108 is written in ordinary minuscule saec. IX by a French scribe. (*F. Newton*)]

ROME

Abbazia di S. Paolo fuori le Mura (Cf. Lowe, 'New List', 233.)

S.N. Breviarium. 'Saec. XII'. 2 mutilated folios.

S.N. Breviarium. 'Saec. XII²'. A bifolium, much worn.

[An examination in June 1974 of the Beneventan fragments in the collection did not reveal any trace of the bifolium, nor could 2 folios be found which appeared to come from the same manuscript. Some items have been transferred to other libraries, and it is possible that these fragments were among them. (*V. Brown*)]

Biblioteca Casanatense: S.N. Apuleius. Saec. XI in. A fragment. (Cf. Lowe, 'New List', 233, who reports that the item was not available in July 1961.)

[The fragment is actually Assisi MS. 706; cf. p. 243 above and n. 1.]

Biblioteca Nazionale

MSS. Sess. 40 (1258), 41 (1479), 63 (2102). Cf. Huglo, 'Liste complémentaire', 90.

[Lowe, *The Beneventan Script*, pp. x, 114 n. 2, had described the script of the codices as 'North Italian'. His views are shared by G. Centetti, 'Scriptoria e scritture nel monachesimo benedettino' in *Il monachesimo nell'alto medioevo e la formazione della civiltà occidentale* (Spoleto, 1957), p. 202. (*P. Veneziani*)]

MS. Sess. 110 (1382), fols. 85-147. *Beneventan marginalia* 'saec. XIII' in a manuscript of Iustinianus, *Institutiones in ordinary minuscule saec. XII*; cf. Censimento I, p. 1181: 'annotazioni del sec. XIII alcune delle quali in scrittura beneventana'. (V. Brown)

[The script of the marginalia, though revealing Beneventan influence (large *e* etc.), is ordinary minuscule. (P. Veneziani)]

Istituto di Patologia del Libro: S.N. *Lectionarium*. 'Saec. XI/XII'. 2 folios, 360 × 280 mm. (290 × 190 mm.), 2 cols., 30 lines. (Cf. Lowe, 'New List', 233.)

[Since the Istituto has no manuscripts of its own, the 2 folios were apparently examined when they, or the manuscript to which they belonged, were being restored. No information could be obtained in 1974 and 1975: there is no record of their provenance, nor is it known when and if the leaves were returned upon completion of the restoration process. (V. Brown)]

Giuseppe De Luca Collection: S.N. Ambrosius Autpertus, *Sermo in Assumptione* (= ps.-Augustinus, *Append. Sermo* 208). Saec. X ex. A mutilated bifolium, 2 cols., 25 lines. (Cf. Lowe, 'New List', 233, who reports that the fragment could not be located in 1962.)

[No further information regarding the whereabouts of the item could be obtained in 1974 and 1976 (M. De Luca). A photographic reproduction, Biblioteca Apostolica Vaticana MSS. fot. 135, contains the following note: 'Il frammento, qui fotografato, faceva parte nel 1948 della biblioteca di Mons. Giuseppe De Luca (m. 19.III.1962). La presente riproduzione fu consegnata alcuni giorni prima della morte al Padre M.-H. Laurent, scriptor della Biblioteca Vaticana, da Mons. De Luca, essendo a quell'epoca l'originale irreperibile.']

ST. PAUL IN CARINTHIA

Stiftsbibliothek: MS. 2/8. Orosius, *Historia adversus paganos* (2.5-6, 14-19). 'Saec. IX in.' 2 folios and 21 vertical strips from 2 other leaves, removed from the binding of MS. 370₄ where an offset exists. 307 × 207 mm. (253 × 170 mm.), 2 cols., 27-29 lines. (Cf. Lowe, 'New List', 234, who does not give a shelf mark and reports that the fragments were missing in 1955.)

[The fragments were still missing in November 1975 (E. Pascher), and further information has yet to be obtained.]

SARNANO

Biblioteca Comunale: 2 folios. (Cf. Lowe, 'New List', 234.)

[The leaves could not be found in 1974 (G. Pagnani), and further information has yet to be obtained.]

SCHAMBACH bei RIEDENBURG (Oberpfalz)

Pfarrer Eglmeier Collection (Cf. Lowe, 'New List', 235.)

S.N. 'Saec. IX'. (*Hiersemann*, 1924)

S.N. 'Saec. XII'. (*Hiersemann*, 1924)

[The items could not be located in 1975. (*B. Bischoff*)]

SPLIT

Nadbiskupski Arhiv: S.N. Liturgica, with neums. 'Saec. XI/XII'. A bifolium, much worn, 350-300 × 200-215 mm., 1 col., c. 19 lines. Discovered by don Ante Rubignoni in the Zupnog Arhiv, Kaštel-Sućurac and later removed to the Nadbiskupski Arhiv, Split; cf. A. Zaninović, 'Jedan dvolist beneventane sa starim neumama', *Starohrvatska prosvjeta* (*Arheolosko-historijski casopis*), 3rd Ser., 7 (1960) 231-42 and 2 plates.

[The item has been missing for a number of years and could not be located in June 1976. (*S. Kovačić*)]

SUBIACO

Monastero di Santa Scolastica: MS. LX (62). Commentarius in psalmos. 'Saec. XI'. 1 folio in a miscellany of fragments. (Cf. Lowe, 'New List', 236, who reports that the leaf was missing in 1961.)

[The item could not be located in December 1975. (*V. Brown*)]

TAGLIACOZZO

Convento S. Francesco: S.N. Vitae patrum. Undetermined date. At least 2 folios, one of which is pasted to the cover of an 'Ordo rubrice', saec. XV. Cf. A. Chiappini, 'Codici liturgici di Sulmona e Tagliacozzo', *Collectanea franciscana* 30 (1960) 215: '*Incipit ordo rubrice per totum anni circulum secundum consuetudinem Romanae Ecclesiae*. Così comincia il Diurno (*Horae Diurnae*) della Chiesa di S. Francesco a Tagliacozzo.... Nell'interno della copertina stanno incollati brani di pergamena in lettera beneventana'; G. Odoardi, 'Equivoci sui codici liturgici di Tagliacozzo e pretese falsificazioni del P. Nicolò Colagrecò, O.F.M.Conv. (†1770)', *Miscellanea francescana* 63 (1963) 23: 'Segue ... un foglio di scrittura beneventana con alcuni brani di *Vitae Patrum* richiamate anche in un simile foglio dell'inizio....' (*V. Brown*)

[The 'Ordo rubrice' has been missing since at least 1973 and could not be located in June 1976 and June 1977. (*G. M. Bastianini*)]

TRAU (see **TROGIR**)**TRISULTI**

Certosa (now **Monastero**)

MS. 2600, cover. Iuvenius (3.72-88, 97-114). Saec. XI. A bifolium, script area more than 140 × c. 100 mm., 1 col., 21 lines surviving. (Cf. Lowe, 'New List', 236.)

[The manuscript could not be located in April 1976. (*V. Brown*)]

MSS. 2601 + 2611 + 2614, fly-leaves. Remigius super epistulas Pauli; Epistulae Pauli. Saec. XI/XII. 10 bifolia, script area 310 or more × 180 mm., 2 cols., 32-39 lines surviving. (Cf. Lowe, 'New List', 236.)

[Only MS. 2601 could be examined in April 1976; the codex has been restored at Grottaferrata and 3 bifolia in Beneventan writing, now removed from the binding, are placed inside the front cover. MS. 2611 was away at Grottaferrata for restoration, and MS. 2614 was missing. MS. 2615, reported by P. Liebaert to contain fly-leaves (Epistulae Pauli) in Beneventan script, was missing in July 1961, and no further information could be obtained in April 1976. (*V. Brown*)]

TROGIR (TRAÙ)

2 fragments, 'saec. XI, Bari type' and 'saec. XIII ex., Bari type', from bindings. (*B. Pecarski*, in a letter to E. A. Lowe dated 11 August 1964)

[No verification or further information was able to be obtained in 1975, 1976, and 1977. (*V. Brown*)]

VATICAN CITY

Biblioteca Apostolica Vaticana

MS. Vatic. lat. 110, fol. 1. *A probatio pennae in Beneventan saec. XII/XIII in a manuscript of Lamentationes cum glossis and Ecclesiastes written in ordinary minuscule saec. XII.* (Cf. Lowe, 'New List', 237.)

[The probatio pennae is very brief and does not appear to be Beneventan. (*V. Brown, G. Cavallo*)]

MS. Vatic. lat. 4918. Palimpsest, lower script of fols. 109-130. Apparently from the same manuscript as the fly-leaf and binding strips listed by Lowe, *The Beneventan Script*, p. 363. (Cf. Lowe, 'New List', 238.)

[The fly-leaf of MS. Vatic. lat. 4918 is written in Beneventan saec. IX, but the binding strips come from a Beneventan codex 'saec. XI'. The lower script of fols. 109-130 is written in 2 columns (the fly-leaf exhibits a single column) and appears to be North Italian; it does not resemble the script of the fly-leaf. (*V. Brown*)]

MS. Vatic. lat. 5951, fol. 134r (lines 21-28) - v (lines 1-4). Celsus, De medicina. 'Saec. IX'. Cf. C. E. Finch, 'Beneventan Writing in Codices Vat. lat. 3032, 5951, and 7277', *American Journal of Philology* 87 (1966) 456.

[The script of this portion of the codex appears to be North Italian rather than Beneventan. (*V. Brown, G. Cavallo*)]

MS. Vatic. lat. 7277. Codex Theodosianus. 'Saec. X'. Cf. Finch (cited from the preceding item), 'Beneventan Writing', 456-57.

[The script is not Beneventan but North Italian. (*V. Brown, G. Cavallo*)]

MS. Vatic. lat. 9882. Isidorus, Caesarius Arelatensis, ps.-Augustinus etc. 'Saec. IX/X'. Cf. Huglo, 'Liste complémentaire', 90.

[The script appears to be North Italian (Nonantola), saec. IX med., rather than Beneventan; cf. M. Oberleitner, *Die handschriftliche Ueberlieferung der Werke des heiligen Augustinus* (Vienna, 1970), p. 293 (citing *B. Bischoff*).]

MS. Vatic. lat. 14734 (fragments), fols. 51-52. Missale. 'Saec. XIII'. 325 × 250 mm. (238 × 155 mm.), 2 cols., 25 lines.

[To be identified with the item described by Lowe, 'New List', 217, under Caiazzo, Pacco II, no. 11? The description given above is at variance on several points, but cf. Salmon, *MSS. liturgiques* 5, no. 289.]

VEGLIA (see KRK)

WASHINGTON

Harvard College Library: Breviarium. 'Saec. XI/XII'. Cf. Huglo, 'Liste complémentaire', 91.

[The reference seems to indicate that there is a new Beneventan manuscript at Dumbarton Oaks Research Library (administered by Harvard University). However, the Dumbarton Oaks collection does not include any Latin manuscripts, and the Beneventan item in question is MS. Lat. 157 which was described by Lowe, 'New List', 218-19, under Cambridge (Massachusetts), Harvard College Library. (†*B. M. Peebles*)]

Addendum.

For a description of some Vatican MSS. listed on pp. 275-77 above and in Salmon, *MSS. liturgiques*, cf. P. Salmon, 'Nouvelle liste de manuscrits en écriture bénéventaine' in *Studia codicologica*, ed. K. Treu (Texte und Untersuchungen zur Geschichte der altchristlichen Literatur 124; Berlin, 1977), pp. 401-405. I am grateful to Dom Salmon for information regarding the contents of his article and to Dr. Julian G. Plante for a photocopy in its published form.

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THE *SUMMA* OF MASTER SERLO AND THIRTEENTH-CENTURY PENITENTIAL LITERATURE*

Joseph Goering

DURING the late twelfth and early thirteenth centuries in western Europe one of the fastest growing genres of literature was that which was designed to provide a practical education for priests exercising the pastoral care of souls (*cura animarum*). While all aspects of pastoral care were discussed in this popular literature, the most important doctrinal and practical developments took place in the treatises on the administration of the sacrament of penance. The literature *De penitentia* reflects, within the space of a few decades, far-reaching changes in penitential theory and practice resulting from a concerted effort to apply the fruits of doctrinal developments in the schools to a world of rapid social and intellectual change.¹

This new penitential literature has received an increasing amount of attention from scholars during the last decades. The various threads of research have been drawn together admirably by the late Pierre Michaud-Quantin.² His method is to describe the developments in this literature in terms of 'representative works', that is the treatises which were a *vif succès* in the Middle Ages as shown by the number of manuscript copies which have survived.³ Such a method, as Michaud-

* A version of this study, done under the direction of Leonard E. Boyle, was submitted in partial fulfillment of the requirements for the Licentiate in Mediaeval Studies at the Pontifical Institute of Mediaeval Studies, September 1974.

1 The doctrinal developments have been well documented in numerous recent studies building on the fundamental work of Paul Anciaux, *La théologie du sacrement de pénitence au XII^e siècle* (Louvain, 1949). Likewise there has been increasing interest in the popular penitential literature; see below, n. 2. However, the social, economic and cultural phenomena, especially during the tenth to the twelfth centuries, which fostered these formal changes of doctrine and helped to shape the new penitential literature, have not yet received adequate attention.

2 See especially Pierre Michaud-Quantin, 'A propos des premières *Summae confessorum*', *Recherches de théologie ancienne et médiévale* 26 (1959) 264-306, and *Sommes de casuistique et manuels de confession au moyen âge (XII-XVI siècles)* (Analecta mediaevalia Namurcensia 13; Louvain, 1962).

3 See his explanation in 'A propos', 270.

Quantin was aware, has its limitations. In particular it tends to focus attention on texts which are of high quality and lasting value, i.e. texts which were worth preserving. It does not follow, however, that those were the most popular or the most influential works of the period. While the major works are indeed representative of the overall trends in the literature, an adequate historical picture of the actual development of pastoral care must also be sensitive to the vast range of conditions and abilities throughout the church which demanded adaptation of the 'representative' works to practical needs and local customs.

One way to study this important process of adaptation and thus to expand our knowledge of penitential developments in this period is to analyze the wealth of second-rate and derivative penitential texts which has survived from the thirteenth and later centuries.⁴ Such a text is the *Summa de penitentia* of Master Serlo which, although important in its own right, was certainly not in the avant-garde of contemporary penitential literature. In the following pages Serlo's *Summa* will be evaluated to determine its relationship to the major penitential texts of the thirteenth century. By comparing his teachings to those of the major texts it will be possible to gain a fuller picture of the processes by which scholastic teachings were adapted and transmitted in the popular literature of the period.

A brief description of the manuscripts and an edition of Serlo's *Summa* appeared in a previous number of this journal.⁵ The text can be dated with some precision. It was certainly written after 1234 because Serlo makes extensive use of the second edition of Raymund of Peñafort's *Summa de casibus* published in 1234/5.⁶ This final version of Raymund's text included a reworking of the original three books of his *Summa* as well as the addition of a fourth, *De matrimonio*, designed to replace the treatise written by Tancred of Bologna (c. 1215) which had circulated as an appendix to the earlier version of Raymund's *Summa*. It is interesting that Serlo quotes from Tancred's *De matrimonio* rather than book four of the *Summa de casibus*. This evidence suggesting that Serlo wrote while the textual tradition of Raymund's *Summa* was still in a transitional stage,⁷ combined with the old-fashioned nature of much of Serlo's work, points to

4 Some indication of the amount of material still awaiting study is given by Morton W. Bloomfield's 'Preliminary List of Incipits of Latin Works on the Virtues and Vices Mainly of the Thirteenth, Fourteenth and Fifteenth Centuries', *Traditio* 11 (1955) 259-379.

5 Joseph Goering, 'The *Summa de penitentia* of Magister Serlo', *Mediaeval Studies* 38 (1976) 1-53, description on 1-3.

6 See Stephan Kuttner, 'Zur Entstehungsgeschichte der *Summa de casibus poenitentiae* des hl. Raymund von Pennafort', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 39 (1953) 419-34.

7 It can be postulated that Serlo used a copy of Raymund's *Summa* which continued to circulate

a date of composition soon after 1234, although a later date cannot be ruled out.

The identity of the author of our *Summa* is more difficult to determine than its date. Given the number of anonymous treatises on penance in this period we are fortunate to have an explicit ascription of this work in the earliest manuscript copy (Oxford, Bodleian Library MS. Laud misc. 112). The text of the *Summa* is written in an English book hand of the mid-thirteenth century. An entry added in a late thirteenth-century *Anglicana* cursive hand on fol. 398v has 'Hic incipit quedam summa magistri Serle de penitentia'. On fol. 1v there is a late thirteenth-century table of contents which gives a *Summa magistri Serlonis*. The confusion of Serlo, -onis and Serla, -e is not particularly unusual, for the same discrepancy is found in the *De adventu fratrum minorum in Anglia*, where one manuscript reads 'Serle', and the others 'Serlonis'.⁸ 'Serla' is an idiosyncratic variant of the form 'Serlo'. The identity of this particular Serlo, however, remains unknown. Several Serlos who were active in English dioceses during this period have been identified⁹ and some are styled 'magister', but there is no evidence which would connect any of them to the *Summa de penitentia* under consideration.

In terms of Palémon Glorieux's pioneering effort at classifying medieval *summae*, Serlo's treatise provides a good example of the 'abridged *summa*' as opposed to the 'compilation' or the 'systematic *summa*'.¹⁰ It is an attempt to present in an abbreviated fashion all that was judged vital for a priest to know in administering the sacrament of penance.¹¹

Serlo's *Summa* begins with some general theological and canonical considerations concerning the penitent and the confessor/priest, as well as specific canonical regulations about excommunications (cc. 1-5, pp. 4-12).¹² The bulk of the text is constructed around a discussion of the seven deadly sins. Each of the

after 1234 with a fourth book on marriage by Tancred rather than the new work of Raymund. Amadeus Teetaert, "'Summa de matrimonio'" s. Raymundi de Penyafort', *Jus pontificium* 9 (1929) 319, cites several examples (one English) of manuscripts thus composed.

8 A. G. Little, ed., *Fratri Thomae vulgo dicti de Eccleston Tractatus de adventu Fratrum Minorum in Angliam* (Manchester, 1951), p. 77 n. 10.

9 See for example John Le Neve, *Fasti ecclesiae Anglicanae or A Calendar of the Principal Ecclesiastical Dignitaries in England and Wales ...*, 3 vols. (Oxford, 1854), 1. 384, 392, 2. 145; *Rotuli Roberti Grosseteste episcopi Lincolniensis, A.D. 1235-53 ...*, ed. F. N. Davis (Lincoln Record Society, 1914), p. 254.

10 See his 'Sommès théologiques', *Dictionnaire de théologie catholique* 14 (1941) 2341-50.

11 The title given this work in the fourteenth-century manuscript Cambridge, Univ. Lib. MS. Ii. 4. 8 ('Incipiunt penitentie taxate secundum canones'), implying that this is a list of penances for specific sins rather than a penitential *summa*, reflects not the original conception of the work but rather that aspect of it which was still found valuable in the later period.

12 This reference to Serlo's *Summa* and those which follow are to the chapters and pages in the edition cited above, n. 5.

seven is introduced by a short theological description of the sin, followed in several instances by a brief suggestion of the modes of treatment (*remedia*),¹³ and by a considerably longer discussion of the proper penances to be imposed for different manifestations of these sins (cc. 6-27, pp. 12-43). The *Summa* continues with a seemingly haphazard collection of general materials concerning apostates of various kinds, the redemption of penances and vows, and concludes with two chapters describing in some detail the appropriate conduct of priests and punishments for those remiss in their duties (cc. 28-32, pp. 43-53).

Before studying the place of Serlo's work in the contemporary pastoral/penitential literature, we shall recapitulate briefly the nearly 400 citations of medieval sources that have been identified in this short work. Of these citations the most numerous are quotations of traditional penitential canons — tariffs prescribing the proper satisfaction to be offered for each sin. Most of these canons are extracted directly or indirectly from Gratian's *Decretum* (c. 1140).¹⁴ A significant number, however, are taken from book nineteen of Burchard of Worm's *Decretum* (c. 1010) which circulated widely as a self-contained penitential manual under the title *Corrector et medicus*, and was still being copied in the thirteenth, fourteenth and fifteenth centuries.¹⁵

In addition to Burchard and Gratian, Serlo borrowed a considerable number of penitential canons from one or more of the penitential manuals which began to circulate in the second half of the twelfth century. This is to be expected since Serlo was writing within that same tradition. What is unusual, however, is that Serlo does not exhibit any direct knowledge of the more recent manuals. One looks in vain for evidence of the work of Robert of Flamborough¹⁶ (c. 1210) or Thomas Chobham¹⁷ (c. 1216); instead Serlo seems to prefer the old-fashioned *Penitential* (1160 × 70) of Bartholomew of Exeter.¹⁸

Because Serlo's *Summa* focuses so much on the old penitential sources and practices, it is somewhat surprising and incongruous that the single most pervasive source should be Raymund of Peñafort's *Summa de casibus* (1222-

13 On *remedia* see Siegfried Wenzel, 'The Source of the "Remedia" of the Parson's Tale', *Traditio* 27 (1971) 433-53.

14 Aemilius Friedberg, ed., *Corpus iuris canonici*, vol. 1: *Decretum magistri Gratiani* (Leipzig, 1879).

15 Burchardus Wormaciensis, *Decretorum libri viginti* (PL 140. 537-1058); see Michaud-Quantin, 'A propos', 266.

16 Robert of Flamborough, *Canon-Penitentiary of Saint-Victor at Paris, Liber poenitentialis: A Critical Edition with Introduction and Notes*, ed. J. J. Francis Firth (Studies and Texts 18; Toronto, 1971).

17 *Thomae de Chobham Summa confessorum*, ed. F. Broomfield (Analecta mediaevalia Namurcensia 25; Louvain, 1968).

18 Adrian Morey, *Bartholomew of Exeter, Bishop and Canonist: A Study in the Twelfth Century, with the Text of Bartholomew's Penitential from the Cotton MS. Vitellius A.XII* (Cambridge, 1937).

34/5).¹⁹ It is true that Serlo does not cite him by name and seems at pains to differ with him wherever possible;²⁰ nevertheless he quotes extended passages nearly verbatim and paraphrases many more. Particularly noteworthy is Serlo's success in drawing out of Raymund the same type of old-fashioned penitential materials that he found in Burchard, Gratian and Bartholomew of Exeter. It is only in reading Raymund through Serlo's eyes that one sees how much of the older penitential tradition is still to be found in Raymund's *Summa*.

Together with the numerous references to penitential canons, Serlo also borrows interpretive material from the canonists. His use of Gratian's *Decretum* is knowledgeable and secure. On occasion he even interprets the texts in a magisterial fashion.²¹ Serlo's knowledge of Raymund's *Summa de casibus* is as thorough and wide-ranging as that of the *Decretum*. It is to Raymund that Serlo owes almost his entire knowledge of the new canon law and especially the *Extravagantes* of Gregory IX. Moreover, Serlo also uses the canonist Tancred of Bologna. He mentions him by name in chapter 26 (p. 34), and seems to be referring to his *Apparatus* on the *Compilatio prima* (1210 × 1215).²² In the same chapter Serlo quotes a section from Tancred's *De matrimonio* (1210 × 1214).²³

Among the citations, both the Bible and its glosses find adequate representation. Some of these are scattered throughout the sections on the deadly sins, offering at appropriate places an apposite scriptural description or condemnation. But most of the references to the Bible are concentrated in two blocs of texts (c. 3, p. 6; c. 27, pp. 41-42) forming a kind of source book of materials useful for encouraging fruitful confession and for elaborating the various circumstances exacerbating or mitigating the seriousness of a sin. In addition, there are six references to glosses on Scripture. Two of these are from the *Glossa ordinaria*²⁴ (nn. 111, 217), two are taken from Gratian's *Decretum* (nn. 66, 135), and two remain unidentified (nn. 27, 183).

References to the Church Fathers also abound in the text. The quotations from Augustine (including the pseudo-Augustinian *De vera penitentia*), Ambrose, Jerome and Bede are drawn primarily from Gratian's *Decretum*. Serlo does show a seemingly independent knowledge of Gregory the Great's *Moralium libri*, and he also cites John of Damascus ('philosophus') and pseudo-Bernard (= Thomas of Froidmont).

19 *Summa sancti Raymundi de Peniafort Barcinonensis Ord. Praedicatorum de poenitentia et matrimonio* (Rome, 1603; rpt. Farnborough, Eng., 1967).

20 e.g. Serlo, '*Summa*', 10 nn. 49, 52.

21 e.g. *ibid.*, 38 nn. 253-55.

22 Tancredus Bononiensis, *Apparatus: Compilatio prima antiqua* (MS. Vat. lat. 1377).

23 *Tancredi Summa de matrimonio*, ed. Agathon Wunderlich (Göttingen, 1841).

24 *Glossa ordinaria* (PL 113-114). Other older editions are more complete. See, for example, the *Biblia sacra cum Glossa ordinaria* ..., 7 vols. (Paris, 1590).

In general Serlo's use of the sources is independent and secure. No source has yet been identified from which Serlo borrowed his organizational approach or his selection of authorities.²⁵ Since there is no commonplace tradition which accounts for his choice and arrangement of citations, it can be concluded at present that he was personally responsible for their selection. Whether he compiled them himself or took them from his own academic milieu, they show clearly that he was quite at home with canonical and theological materials. This assumption is furthered by the few but significant references to scholastic discussions of theological aspects of penance. For example, in chapter four (pp. 7-8) the discussion of the power of the priest indicates not only his familiarity with current theological debates but also his independence and self-assurance in presenting materials that are more than slavish copies of the contemporary commonplaces.

The overall picture provided by the sources, then, is of an author who is in deep sympathy with the more conservative trends in penitential practice, drawing as he does the largest part of his *Summa* from the traditional penitential canons of Burchard, Bartholomew and Gratian. At the same time Serlo shows an easy familiarity with the canon law of Gratian's *Decretum*. Most of his knowledge of the canon law after Gratian is derived from a thorough acquaintance with Raymund of Peñafort's penitential *Summa*. Theologically, the picture is also conservative, reflecting no knowledge, for example, of Peter Lombard's *Sentences*, not to mention the 'modern' work of Peter the Chanter and his school. Yet Serlo does show an awareness of scholastic developments in the doctrine of penance as well as an ability to adapt the traditional theological sources — Scripture and the Fathers — in an independent way to the penitential matters he wishes to discuss.

In the following pages the penitential teachings of Master Serlo's *Summa de penitentia* will be compared to the major works that set the trends in penitential literature for centuries to come. Such a comparison will offer some indication of the processes by which changes in the major works were accepted and used in the lesser treatises of the day and will also help provide a fuller, more accurate picture of penitential practices in the early thirteenth century.

25 Some evidence which might suggest the existence of such a source, especially with respect to the seven sins, was brought to light by Siegfried Wenzel in his article 'The Source of Chaucer's Seven Deadly Sins', *Traditio* 30 (1974) 351-78. Two texts — *Primo* and *Quoniam* — show some significant verbal and organizational similarities to Serlo's treatment. Professor Wenzel kindly allowed me to examine photostatic copies of the two works in question, and I am satisfied that neither is a source of Serlo's *Summa*. Conversely these texts do not seem to draw their material from Serlo's work. Since the common material is often of such a nature that independent invention and utilization is unlikely, it can be tentatively suggested that there is a common (unidentified) source from which these writers drew some of their material.

The single most important change distinguishing the new directions in penitential teaching and practice in the twelfth and thirteenth centuries was the gradual shift of emphasis from satisfaction for sins toward a pastoral concern with the penitent's contrition and confession of sins.²⁶ In the penitential literature this change was marked by an increased concern with psychological, moral and theological aspects of contrition and confession. These developments were paralleled by a correspondingly decreased emphasis on the penitential tariffs (lists of canonical punishments for particular sins) that formed the central feature of all the early penitentials.

Care must be taken, however, not to overemphasize the extent of disaffection with the traditional penitential canons. To oppose the tariffs absolutely to the new principle of 'arbitrary' (discretionary) penance — penance enjoined according to the *arbitrium* (choice) of the priest — is to invite historical distortions at both ends of the chronological spectrum.²⁷ On the one hand, such an opposition could lead one to interpret the old penitentials as more rigid and mechanical than they actually were. After all, Burchard of Worms early in the eleventh century provided a standard warrant for the principle of 'arbitrary' penance,²⁸ and two centuries earlier Theodulf of Orléans had reminded the priests in his diocese that 'God does not require long periods of penance but contrition of the heart.'²⁹

On the other hand, to overemphasize the disenchantment of later writers with the traditional penitential tariffs could lead one to overlook their continued importance in the thirteenth and later centuries. An example of this continued use is found in Robert Grosseteste who, before becoming bishop of Lincoln in 1235, compiled a group of penitential canons for use by confessors in which he advised the priest to impose penances not according to his own judgment but according to the penances handed down by the holy Fathers.³⁰ At the end of the century the

26 See Bernhard Poschmann, *Penance and the Anointing of the Sick*, trans. and rev. Francis Courtney (Freiburg i.B., 1964), pp. 156-67; Artur Landgraf, 'Grundlagen für ein Verständnis der Busslehre der Früh- und Hochscholastik', *Zeitschrift für katholische Theologie* 51 (1927) 161-94.

27 See, for example, Michaud-Quantin, 'A propos', 299, 306, where such a sharp distinction is implied.

28 'Sapiens autem medicus excipiat quaeque meliora, ut discretionem omnium causarum investigare possit, sine quibus rectum iudicium non potest stare. Quia scriptum est: In nulla re appareas indiscretus, sed distingue quid, ubi, quandiu, quando, qualiter debeas facere. Non omnibus ergo in una eademque libra pensandum est, licet in uno constringantur vitio, sed discretio sit inter unumquodque eorum, hoc est inter divitem et pauperem, inter liberum et servum ... et quali compunctione haec omnia emendet, ut et loca, et tempora poenitendi discernat' (*Decretorum libri* 19.8; PL 140. 979D-980A).

29 'Quia non requirit Deus longa spatia penitentiae sed contritionem cordis' (*La législation religieuse franque de Clovis à Charlemagne ... 507-814*, ed. Carlo de Clercq (Louvain, 1936), p. 351).

30 Quoted in S. Harrison Thomson, *The Writings of Robert Grosseteste Bishop of Lincoln 1235-53* (Cambridge, 1940), p. 126.

famous canonist and bishop Durandus of Mende was still circulating a *Reperitorium* of penitential canons for the use of the priests in his diocese.³¹

The most instructive account of the place of these canons in thirteenth-century penitential practice comes from Raymund of Peñafort whose *Summa de casibus* provided authoritative direction throughout the century. In the section on 'satisfaction' in his *Summa* Raymund explains: 'The studious and diligent reader can find from careful study of the aforesaid rule and its exceptions the process for imposing satisfaction for diverse crimes according to the penitential canons; nor should the priest depart from the aforesaid form unless for good reason; and his choice (*arbitrium*) consists in this, namely: for what reason, and on account of what circumstances, and how much, and when the canonical punishment can be augmented or diminished; and this is the opinion of certain persons Others, however, call all penances "arbitrary" without distinction ... and this last opinion seems to have become the custom. The first, however, is safer although more difficult.'³²

With this caveat against absolutizing the reaction against penitential tariffs in the thirteenth century, it must nevertheless be recognized, as Raymund himself suggests, that the prevailing trend was away from their use. Michaud-Quantin treats this at length for the major manuals and his discussion need not be repeated here.³³ It suffices to say that the ancient canons prescribing a set penance for each sin did lose their central importance in the major penitential manuals of the thirteenth century. They gave way in part to the principle of arbitrary (discretionary) penance, but they also lost their importance quite naturally as the emphasis in penitential literature shifted from corporal satisfaction or punishment to other more subtle considerations related to contrition and confession of sins.

An incidental development that helps illumine the loss by the penitential canons of their traditional authority and importance is the change in the form in which they were transmitted. For example, in Bartholomew of Exeter the canons, which comprise the largest part of his *Penitential* (1160 × 70), are quoted with their 'original' and authoritative inscriptions (e.g. Council of ———, Pope —

31 See J. Barthélé and M. Valmory, eds., *Instructions de Guillaume Durand, le Spéculateur ...* (Montpellier, 1900), p. 20.

32 'Ex diligenti inspectione predictae regulae cum exceptionibus suis, poterit studiosus et diligens indagator invenire processum ad satisfactionem pro diversis criminibus secundum paenitentiales canones imponendam; nec debet sacerdos a forma praedicta recedere, nisi propter causam: et in hoc consistit eius arbitrium, scilicet pro qua, vel pro quibus circumstantiis, et quantum, et quando possit augeri vel minui poena canonica. Et haec est opinio quorundam Alii vero dicunt indistincte omnes paenitentias arbitrarias ... et hanc ultimam opinionem videtur amplecti consuetudo; prima tamen est tutior, licet difficilior' (*Summa* 3.34.46, pp. 477-78).

33 See especially 'A propos', 292-96.

———, etc.). Alan of Lille³⁴ (c. 1198) continues the tradition of citing the authoritative inscriptions, although an occasional reference to Gratian's *Decretum* is appended. In Robert of Flamborough (c. 1210) the canons are relegated to a final book as a sort of appendix, and most have lost their traditional attributions. Thomas Chobham (c. 1216), as well, usually cites them not as conciliar decrees or papal provisions but simply by the generic title *canones*. By the time of Paul of Hungary³⁵ (c. 1222) and Raymund of Peñafort (1222-35) most of these canons are quoted, as are other legal texts, with a reference to the *Decretum* of Gratian; it should be noticed, however, that a significant number of canons with the old attributions are still to be found in parts of Raymund's work.³⁶

Serlo's *Summa* provides an interesting comparison with this general tendency to stress other aspects of penance at the expense of the traditional penitential discipline. In the light of what has been said, the most anachronistic feature of Serlo's work is not his use of the ancient canons: for this there is explicit and implicit warrant in Raymund of Peñafort and other writers of the thirteenth century. What makes Serlo's *Summa* so much out of step is rather its almost exclusive concentration on the proper forms and grosser legal aspects of 'satisfaction' as represented by the canons. One finds in this *Summa* only an occasional and brief allusion to matters related to 'contrition' or 'confession'. Neither the theoretical nor the practical legal complexities that a thirteenth-century priest might encounter finds a significant place in the work. That Serlo should turn to ancient and authoritative canons as a source of satisfactory penances to be imposed by the priest is not so unusual, but that this 'satisfaction' should so dominate his entire exposition as to exclude a treatment of the other matters necessary for a thirteenth-century pastor exercising the care of souls marks him as a man profoundly out of step with his time. This judgment is confirmed by Serlo's penchant for preserving the traditional ascriptions of the canons rather than citing them, in the contemporary fashion, as standardized canonical texts.

A second and equally important change in practical penitential literature of the late twelfth and early thirteenth centuries is represented by an increasing use of the *casus*. To speak of this as 'casuistry' is correct, but the term carries such a heavy load of modern connotations that it is of little help in understanding the development.³⁷ Casuistry as it is used in these manuals is simply the use of con-

34 *Liber poenitentialis*, ed. Jean Longère, 2 vols. (Analecta mediaevalia Namurcensia 17-18; Louvain, 1965).

35 Paul of Hungary, *Summa de penitentia in Bibliotheca Casinensis seu Codicum manusccriptorum qui in tabulario Casinensi asservantur* 4 (Monte Cassino, 1880), pp. 191-215.

36 See especially the title *De paenitentis et remissionibus* 3.34 (pp. 437-502).

37 See Michaud-Quantin, 'A propos', 293-95, for a helpful discussion.

crete (if hypothetical) situations rather than *dicta* or abstract principles in developing and teaching moral doctrine. It is necessary to stress here the 'developing' of moral doctrine as well as the 'teaching' of it. A definition of casuistry that sees it only as a classroom exercise designed to teach the application of predetermined moral principles in concrete situations, although perhaps accurate for a later period, is inadequate for describing the use of the *casus* in the practical literature of the early thirteenth century.

This twofold function of developing and teaching made the *casus* especially important in a period of rapid social change. On the one hand, as an excellent teaching device it was well suited to the practical education needed by a confessor facing a host of unfamiliar problems. On the other hand, the *casus* was vital for the development of moral doctrine in that it confronted the schools and the teaching authorities with new problems being encountered in pastoral experience, problems that demanded further refinements of ecclesiastical teaching. The growth in importance of papal decretals in the second half of the twelfth century reflects a similar development.³⁸ Communications from local ecclesiastical officials provided information about concrete situations and problems needing consideration, and each of these *casus* became the basis for a new formulation of the law of the church. This process also became important in the schools, especially at Paris under the influence of Peter the Chanter, where the *casus* was used not only as a tool for developing practical moral skills but also as a source of information about the changing needs of a society and the requirements of an adequate moral doctrine.³⁹

The use of casuistry was not in itself new, but the extended use of the *casus* in practical penitential manuals developed significantly in this period. Thus *Causae* — a type of casuistry — were used as the basis for much of Gratian's *Decretum*, but in the section *De poenitentia* the *casus* method was abandoned in favor of the *Distinctiones* used earlier in the work. Likewise, Bartholomew of Exeter and Alan of Lille framed their discussions in a theoretical mode in that they did not attempt to make concrete the situations which a priest might face, but rather tried to prepare him in general terms to face all problems.⁴⁰

Robert of Flamborough seems to have been the first to make extensive use of the *casus* in a penitential manual.⁴¹ J. J. F. Firth, editor of Flamborough's *Liber*

38 See Charles Duggan, 'Decretals (Epistolae decretales, Litterae decretales)', *New Catholic Encyclopedia* 4 (1967) 707-709.

39 See Nikolaus M. Häring, 'Peter Cantor's View on Ecclesiastical Excommunication and Its Practical Consequences', *Mediaeval Studies* 11 (1949) 100-12; and John W. Baldwin, *Masters, Princes, and Merchants: The Social Views of Peter the Chanter and His Circle*, 2 vols. (Princeton, 1970), *passim*.

40 See Michaud-Quantin, 'A propos', 272.

41 *ibid.*, 293-95.

poenitentialis, states: 'In so far as can be determined at the present state of research, Flamborough was the first to make available to confessors in a short, readable, comprehensive work the new law of the decretists and of the decretals, organized in a practical way for solving cases of conscience.'⁴² Firth's discussion has the further merit of connecting this growth of casuistry with the use of the new canon law as developed by the decretists and decretalists. Whereas earlier generations had read Gratian and other collections primarily for the *dicta* and penitential canons of popes, councils and doctors of the church, the writers of practical manuals in the early thirteenth century turned increasingly to the *casus* and methods of the new canon law as a means of concretizing and developing a moral law adequate to the new situations of the period.

In terms of this development of casuistry one can clearly recognize the 'old school' training of Master Serlo. Any treatise on penance composed in the mid-thirteenth century, and especially a treatise as conversant as this one is with the latest canonical teachings, would be expected to exhibit an increasing reliance on concrete cases to formulate and illustrate points of penitential discipline. Instead there is in Serlo's text almost no indication of the *casus* as it had come into use in the schools. Serlo follows the older method of Bartholomew of Exeter⁴³ and Alan of Lille⁴⁴ by dealing primarily with general theoretical formulations of problems and solutions in penitential practice. Throughout the text Serlo shows his predilection for general principles, *dicta* and authoritative canons rather than the determination of concrete cases. The procedure we find is the 'clumsy casuistry' of the old penitential books composed of artificial cases that have little or no relation to the current needs of the priest.⁴⁵ Serlo's anachronistic approach may indicate that this work was designed for the needs of parish priests lacking the benefit of modern schooling, or simply that Serlo was unsympathetic to the new approaches of the schools. At any rate there is in this manual concrete evidence of the persistence well into the thirteenth century of old techniques and approaches to pastoral education.

A third area of rapid change in thirteenth-century penitential literature was the traditional discussion of the seven deadly sins. Analyzing the development of the penitential manuals of this period, Michaud-Quantin argues with some force that by the 1220's 'a moral exposition of the vices and virtues ceased to be an indispensable item in a *Summa confessorum*.'⁴⁶ Although the major treatises he

⁴² *Flamborough*, p. 18.

⁴³ See Stephan Kuttner and Eleanor Rathbone, 'Anglo-Norman Canonists in the Twelfth Century: An Introductory Study', *Traditio* 7 (1949-51) 295.

⁴⁴ See Michaud-Quantin, 'A propos', 272.

⁴⁵ See Stephan Kuttner, 'Pierre de Roissy and Robert of Flamborough', *Traditio* 2 (1944) 493-94.

⁴⁶ 'A propos', 299.

studied give no particular attention to the seven sins, it would be rash to conclude that they no longer played an important role in penitential literature or practice. The evidence seems rather to bear out Siegfried Wenzel's assertion: 'In the two centuries following the Fourth Lateran Council the capital vices or "deadly sins" were the most widely used scheme according to which a priest was taught to ask about the sins of his penitent.'⁴⁷

It is certainly true, however, that the tract on the seven sins underwent important changes in the early thirteenth century in response to the practical needs and changing sensibilities of the period. One significant development was a growing imbalance in the treatment of the sins. Perhaps because of the subtle spiritual nature of some of the seven or because of the increasing emphasis on 'cases', which inevitably stressed external acts, the practical manuals generally tended to emphasize two or three of the seven, especially lust and avarice. This tendency is strikingly illustrated in an early redaction of Flamborough's *Liber poenitentialis*: 'Among the above-mentioned sins avarice and lust are more frequent and more serious. Rarely does anyone confess concerning the others unless he is discerning and educated.'⁴⁸ By comparing the current developments concerning lust and avarice to Serlo's teachings on these subjects his relationship to the contemporary literature can be more fully appreciated.

The changes in the treatment of lust (*luxuria*) in the penitential literature reflect no major speculative or legal developments. Lustful acts have an amazing constancy across centuries and cultures and, although novel ways of dealing with them are occasionally developed, the pastoral reform of the twelfth and thirteenth centuries can claim no such distinction. There was, however, a significant change in attitude toward the sin of lust in the new penitential literature. In the first place the priest was increasingly urged to be discreet in inquiring about sexual sins. This advice is not new, of course, but in the thirteenth century there was a concerted effort not only to admonish priests but also to instruct them in the method of conducting such a discreet confession.⁴⁹ In discussing sins *contra naturam* Robert of Flamborough explains: 'I would never mention to him [the penitent] anything from which he might take occasion for sinning, but only general things which all know to be sins. Slyly I extract from him [an avowal of] masturbation, and likewise from a woman, but the method of extracting should

47 Siegfried Wenzel, 'The Seven Deadly Sins: Some Problems of Research', *Speculum* 43 (1968) 13.

48 'Inter vitia supra enumerata frequentiora sunt et asperiora avaritia et luxuria; de aliis vix aut raro confitetur quis, nisi discretus et litteratus' (*Flamborough*, p. 296).

49 See D. W. Robertson, 'The Cultural Tradition of Handlyng Synne', *Speculum* 22 (1947) 173-75.

not be put in writing.⁵⁰ Other writers were less hesitant to describe the inquiry itself.⁵¹

In addition to these practical recommendations for pastoral discretion, most penitential writings also exhibit growing circumspection in discussing the sins themselves. In the old penitentials and in Burchard of Worms there are detailed descriptions of an amazing range of sexual transgressions. Most of the explicit canons failed to find their way into Gratian's *Decretum*. Although a few were retrieved by writers of new penitential manuals such as Bartholomew of Exeter and Alan of Lille, by the time of Flamborough and Thomas Chobham general summaries of types of sin were beginning to replace the detailed descriptions provided by the older texts. Thus the trend in the new pastoral literature concerning sexual offences was one of growing circumspection in the description of the sins and an increasing stress on the discretion required of the priest in drawing out the confession. The safest method, it was thought, was to discuss these sins in general terms so as not to excite the imagination of those involved.

Serlo's discussion of sexual sins (cc. 24-27, pp. 33-34) is one of the most interesting examples of his penchant for combining old and new tendencies. His division of lust into four species (c. 24, p. 33), for example, is a modern innovation contrasting sharply both with the theoretical list of species copied by most writers from Gregory I,⁵² and with such haphazard practical divisions as are used in book five of Flamborough's manual, which divides the sin of fornication into sixteen overly specific areas.⁵³ Serlo adopted instead a tightly arranged, scientific division into four species: simple fornication, adultery, incest, and sins against nature.

On the other hand most of Serlo's treatment of lust is strikingly anachronistic and out of step with current developments. Both tendencies noted above in thirteenth-century treatments of this sin are absent in his *Summa*. There is no warning whatsoever that the priest should inquire discreetly when treating sexual sins. Equally striking is the absence of any circumspection on Serlo's part in his presentation of the penitential canons. Throughout the treatise he quotes the ancient canons, whether drawn from Burchard of Worms or Raymund of Peñafort.

50 'Numquam ei mentionem de aliquo faciam de quo peccandi occasionem accipere possit, sed tantum de generalibus quae omnes sciunt esse peccata. Mollitiem autem dolose ab eo extorqueo, et de muliere similiter sed modus extorquendi scribendus non est' (*Flamborough*, pp. 196-197).

51 e.g. Trinity College, Dublin MS. C.4.15 [326], fol. 30rb, where the priest first explains the licit mode of sexual intercourse and then asks: "'Fecisti aliter? Si fecisti non erubescas dicere.'" Si dicit non, transeat ultra. Si autem querat confitens "'Et quomodo possit aliter fieri?'" "Statue," sicut dicit Salomon, "cultrum guturi tuo ..." Aliquando enim instruuntur peccatores ab inperitis sacerdotibus ad inexperta peccata.'

52 Cf. Bartholomew of Exeter, *Penitential*, p. 205.

53 *Flamborough*, pp. 228-29.

In the section *De sodomitis* (c. 27, pp. 39-43) in particular Serlo completely violates the growing consensus that sexual sins should be discussed only in general terms by quoting detailed canons from Burchard, most of which had found no place in the major collections, canonical or penitential, since Burchard's time. All in all, Serlo's discussion of lust epitomizes the style of the *Summa* as a whole. It contains a confusing array of ancient and modern sources, some thoughtfully digested and others seemingly tacked on. Some parts reflect an awareness and appreciation of the modern developments in canonical and theological circles and others ignore current movements entirely. All were placed within an outdated framework that emphasized the penitential satisfaction for one's sins.

The developments in the second major area of concern for the confessor — avarice — reflect important social and intellectual changes of the period. Avarice was becoming, for many reasons, the characteristic sin of the time.⁵⁴ Economic expansion and experimentation marked the period and there were opened vast new opportunities for enterprising individuals and groups. Many new temptations to avarice followed as a result. At the same time the increased complexity of economic life created new problems and questions about the morality involved. It was in this milieu that theologians and canonists increasingly turned their attention to economic activity and the sins of avarice which it occasioned.

The new interest in avarice is reflected in the penitential manuals by the increased length of sections devoted to that sin as well as by the rapid development and growing complexity of such discussions. The direction and extent of change is easily seen by comparing Bartholomew of Exeter's *Penitential* from the mid-twelfth century to that of Robert of Flamborough written early in the thirteenth. In Bartholomew's work traditional aspects of avarice such as theft and usury are treated at some length. The discussions, however, are patchworks of *dicta* from the Fathers drawn from Gratian and Ivo of Chartres.⁵⁵ The *dicta* are general statements about the evil of theft, and they have an almost timeless applicability. On the other hand Robert of Flamborough discusses theft from quite a different angle. He is concerned not with the general evil but rather with particular problems arising out of it that must be dealt with by the confessor. There are here no *dicta* and no general treatments of the sin. Instead there is a concrete discussion of how and to what extent the sinner should go about restituting the things he has stolen: 'Penitent: "Someone stole a horse. I stole the same horse from him. To whom should I make restitution?"' Priest: "It seems to me to the

54 See Lester K. Little, 'Pride Goes before Avarice: Social Change and the Vices in Latin Christendom', *American Historical Review* 76 (1971) 16-49.

55 *Penitential*, cc. 86, 92, pp. 250-53, 257-58.

rightful owner, but in such a way that this repayment be known to the thief lest perhaps, if he repent, he be made through confession to return the horse or its price again to the legitimate owner.”⁵⁶

This development is even more striking in the discussions of usury. Bartholomew's treatment is short and again is comprised of quotations exclusively from the Fathers and ancient councils. There is no evidence here of the rapidly changing economic climate of contemporary Europe or of the discussions which were being held by the moral theologians to deal with particular cases. Flamborough, however, warns the penitent: ‘Take care [in your confession of usury] because the cases are infinite and subtle.’⁵⁷ His discussion *De usura* (pp. 191-94) reflects the subtlety of the problems as well as his practical concern that the confessors be able to deal knowledgeably with them. This general direction of change, reflecting the lively interaction of economic and social realities with the academic discussions of the schools, is characteristic of the major manuals of the thirteenth century.

Serlo's treatment of avarice (especially cc. 13-14, pp. 20-24) again provides an instructive contrast to the general trend in pastoral literature. His section dealing with theft is, in the tradition of Bartholomew of Exeter, a simple collection of biblical and patristic texts and authorities. There is no indication of the concrete complexities a parish priest might encounter in counselling restitution of stolen goods nor any discussion of subtle cases of conscience regarding thefts that might or might not be justifiable. The general sentiments of the authorities are considered here as adequate guides for the confessor.

With regard to usury (p. 23) Serlo shows himself somewhat aware of the current trends, but still unable or unwilling to adopt the careful analysis that might be expected in treating this complicated form of avarice. The entire section is made up of either definitions of usury or canonical punishments for the crime. None of the definitions shows any awareness of the new mercantile arrangements sweeping Europe or even of the basic distinctions and formulations that were being steadily developed in the schools during the twelfth century. That this section would have been considered an adequate discussion of the sin of usury for use by a confessor in the mid-thirteenth century is quite remarkable; perhaps it reflects the actual economic conditions in the area as well as the author's unfamiliarity or dissatisfaction with current penitential trends.

Having examined the *Summa de penitentia* of Master Serlo in the light of several specific developments that characterized the new penitential literature, the

56 ‘Poenitens: “Aliquis alicui equum furatus est; eundem equum eidem furi furatus sum. Cui equum illum restituam?” Sacerdos: “Mihi videtur quod vero domino, ita quod furi nota fiat solutio, ne forte, si poenituerit fur, per confessionem cogatur iterum vero domino equum vel pretium restituere”’ (*Flamborough*, p. 183; cf. *Chobham*, p. 488).

57 ‘Caveas tibi, quia infiniti sunt casus et subtiles’ (*Flamborough*, p. 300).

framework of this discussion will now be broadened to consider briefly how Serlo's work fits into the general context of theological and canonical developments of the period. Glorieux divides the pastoral *summae* broadly into two groups, those written primarily from a theological point of view and those from a canonical point of view ('théologico-morales' and 'théologico-canoniques'), but he admits that 'la réalité est plus nuancée.'⁵⁸ This is a helpful distinction, but as more of these texts are being studied and the nuances evaluated, it seems more accurate at present to say that during this period even the theologically-oriented treatises became increasingly juridical. The very conception of the office of confessor came under the influence of this growing concern with the law. Alan of Lille⁵⁹ and Thomas Chobham⁶⁰ still speak of the confessor as a spiritual doctor and conceive his work as parallel to that of the physician who diagnoses illnesses and prescribes appropriate remedies. This medical model, however, gradually ceased to be central to the conception of the confessor's work, and by the time of Raymund's *Summa* there was a new emphasis. The basic metaphor became that of the 'penitential court' (*forum poenitentiae*). The term did not designate the preserve of canon as opposed to civil law but rather introduced a new area within canon law which might, as Michaud-Quantin suggests, be called 'penitential law'.⁶¹ This penitential law differs in varying degrees from canon law. Primarily it is distinguished by its overt connection with the *cura animarum* which gives the penitential law an essentially pastoral and theological direction. The manuals dealing with it were written not for lawyers but for pastors; they were thus more expansive in terms of sources (i.e. Scripture, the Fathers, church councils and poets were invoked as well as strictly legal authorities) and in terms of the method of presentation (i.e. the formal structure of canonical texts and glosses was abandoned in favor of a structure better suited to the practical needs of the pastors).

The task of the confessor as presented in the new penitential manuals is largely judicial. The increasing use of casuistry as well as the introduction of the new canon law into the treatises on penance have already been noted (pp. 298-300). In addition there are almost always detailed discussions of the legal rights and responsibilities of laymen, priests and bishops within the ecclesiastical hierarchy. Thus, for example, laymen are to be informed about the law concerning excommunication so that they do not sin in communicating illicitly with an excommunicate. Likewise, priests are informed of the law and local custom concerning which kinds of sins they have the authority to absolve and which must be

⁵⁸ 'Sommes théologiques', 2341-64.

⁵⁹ *Liber poenitentialis* 1.2.

⁶⁰ Chobham, pp. 231-32 and n. 4.

⁶¹ 'A propos', 305.

sent on to the bishop or pope. Such detailed legal information was especially important and was most often included in relation to the areas of church life where there were rapid changes in the law or its interpretation. Thus, discussions of avarice, marriage, orders and vows in general, as well as matters affecting the relative authority and competence of the members of the ecclesiastical hierarchy, are almost always found in the manuals.

Parallel to the practical interest in accurate canonical delineation of the law as it pertains to priests and penitents was a growing theoretical concern with 'keeping the law'. Firth, in describing Robert Flamborough's work, gives the following summary of the intellectual-moral climate of the time: 'The effectiveness of reforming synods, now becoming more common, was supported by an appeal to men's consciences and an insistence that the law be observed if one were to attain salvation More and more reformers in positions of authority at this time had been subjecting members of the Church to the judgment of its courts. This spirit is reflected throughout [Flamborough's] Penitential in the author's high esteem for canonical precision. He is unwilling to let the penitent determine his own course of action when it is possible to give him precise directives on the basis of Church law.'⁶² It is this emphasis on knowing and keeping the law for the sake of one's soul that especially marks the major penitential works of the period.

There are many signs in his *Summa* that Serlo was indeed influenced by the growing interest in proper judicial procedure in the internal court of penance. One instance is his careful concern with questions of authority and legal competence. Thus, in the first five chapters, Serlo has enumerated the three cases in which a sinner can choose a confessor other than his own priest, the fourteen cases in which a parish priest or designated confessor is not permitted to impose penances, the sixteen cases in which major excommunication is incurred, the five cases in which absolution of sins is reserved for the pope alone, and the eight cases in which a bishop can absolve someone who strikes a cleric without sending him to the pope.

Furthermore, although the bulk of his *Summa* follows the theological order of the seven sins and employs the clumsy and outdated casuistry of the old penitential tariffs, Serlo frequently demonstrates some awareness of current trends in the new penitential law. For example, although there is no separate discussion of the intricate legal developments concerning marriage, Serlo digresses in his discussion of incest to present an extract from the current interpretations of marriage law (c. 26, pp. 34-35). He displays not only knowledge of the treatise *De matrimonio* of Tancred but also some familiarity with the discussions by the canonists.

62 J. J. Francis Firth, 'Report of a Thesis Defended at the Pontifical Institute of Mediaeval Studies: *Robert of Flamborough, Liber poenitentialis*', *Mediaeval Studies* 30 (1968) 342-44.

There are many other examples of the same concern to provide up-to-date legal interpretations to the confessors for whom Serlo was writing. Most of the information comes from Raymund of Peñafort's *Summa* and, as with marriage, is discussed haphazardly in various digressions from the main outline of the text. Thus, for example, in the treatment of avarice Serlo analyzes at length the legal rights and responsibilities of witnesses, judges and advocates (cc. 19, 20 and 21, pp. 29-31). In chapter thirty-one, *De ministris ecclesie* (pp. 46-50), there is an extended treatment of simony and other sins resulting in clerical irregularity; this treatment shows that Serlo was aware not only of the official canonical position as represented by Raymund but also of a legal tradition probably drawn from local customs and teaching. The examples could be multiplied. They are cited only to show that Serlo was indeed influenced by the growing juridical nature of pastoral literature in the early thirteenth century, and that this *Summa*, although anachronistic, belongs squarely in the realm of the internal court of penitential practice.

Finally, Serlo's work will be discussed in the light of the twelfth- and thirteenth-century developments in theology. As was suggested on p. 296 above, the most important development in the theology of penance in this period was the progressive interiorization of penitential discipline. In the older Celtic practice the term 'penance' was used to designate the acts of satisfaction — fasting, pilgrimage, etc. — done as reparation for one's sins. During the eleventh and twelfth centuries stress was increasingly placed on the importance of confession and on the internal psychological aspects of contrition as key elements in a fruitful penance.⁶³ When such developments were taken up in the schools, the result was a doctrine that understood penance to be composed of three distinct aspects: contrition, confession, and satisfaction. This threefold division gradually won acceptance in the practical manuals as well, and by the time of Raymund of Peñafort contrition, confession, and satisfaction were generally accepted as the constituent elements of the sacrament of penance.

In contrast to these developments there are in Serlo's *Summa* only the slightest traces of the distinction of penance into contrition, confession, and satisfaction. In chapter four (pp. 7-8) he tells us in passing that the punishment of sin is remitted sometimes by 'contrition' and sometimes by 'exterior satisfaction'. Except for such passing references the modern distinctions of the schools are completely ignored. Indeed he writes throughout as if 'penance' were, as in the ancient penitentials, synonymous with 'satisfaction'. Serlo's omission of these distinctions concerning the sacrament of penance is one of the more surprising features of his manual. The omission, difficult to interpret, at least makes it clear that this development of penitential doctrine, however successful in general,

63 See Anciaux, *Sacrement de pénitence*, pp. 31-36, 154-64.

should not be taken for granted when one evaluates the understanding of penance that reached the thirteenth-century parishes.

Although the previous discussion reinforces the image of Serlo's manual as an anachronistic treatise entirely out of touch with the modern currents of development, the picture must be modified somewhat by other evidence. For example, chapter four, *De officio sacerdotis*, provides two brief but important examples of Serlo's familiarity with the theoretical discussions of the schools. Thus at the beginning of the chapter (p. 7) he describes the four duties of the priest: to loose, to bind, to consecrate and to dispense the sacraments. He then proceeds to describe the first two duties in more detail. Although the general topic is discussed frequently in the contemporary literature, Serlo's treatment is not copied from any known source. This unconformity, while not in itself very significant, does reveal an author who is sufficiently sure of his footing in the theological arena that he can freely adapt and expand the teachings of the schools to suit his needs.

A similar conclusion is indicated by Serlo's treatment later in the same chapter (pp. 7-8) of the fourfold bond (*vinculum*) of sin, a question that is also widely discussed in the contemporary literature. As in Serlo's text, the question often serves as a vehicle for presenting many of the subtle scholastic distinctions concerning the power of the priest. Thus Serlo distinguishes: (a) the bond of excommunication from the bond of satisfaction; (b) the imposition of satisfaction by the church from its remission by God, who remits by his authority, and by the priest, who remits by reason of his office (*ministerium*); (c) the bond of guilt (*culpa*) from the bond of punishment (*pena*); (d) the further distinction that, although man binds himself by these two *vincula* of guilt and punishment, God remits the *vinculum* of guilt, whereas that of punishment is remitted sometimes by God alone, sometimes by the priest, sometimes by contrition and sometimes by satisfaction. One might well be skeptical about how helpful this dense summary of scholastic penitential doctrine would be to the parish priest, but it does offer further evidence of Serlo's familiarity with the theological teachings of the schools. In addition, this discussion of the *vinculum* again reveals a freedom of formulation implying a certain degree of magisterial authority. Although one finds in the contemporary literature a wide range of descriptions of the *vinculum*, none of them parallels Serlo's distinction nor is any as comprehensive.⁶⁴

It would be a mistake to put more emphasis on these considerations than the

64 See, for example, Anciaux, *ibid.*, pp. 513-39; Ludwig Hödl, *Die Geschichte der scholastischen Literatur und der Theologie der Schlüsselgewalt, Die scholastische Literatur und die Theologie der Schlüsselgewalt von ihren Anfängen bis zur Summa aurea des Wilhelm von Auxerre* (Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters 38.4; Münster i.W., 1960), *passim*.

author himself seems to do in limiting them here to the brief discussion in chapter four, but neither should they be overlooked entirely in evaluating the place of his *Summa* in the penitential literature of the time. Similar instances could be multiplied, such as the somewhat original discussion of seven years' penance in chapter five (p. 12),⁶⁵ but enough has been given here to show that Serlo's manual cannot simply be dismissed as if it were the product of an isolated and backward priest who knew nothing of the current theological developments in the schools.

A final issue of great theological importance in the period is the indulgence. The question is very complicated⁶⁶ and a full discussion is beyond the scope of this article, but a few remarks can be made to help fix Serlo's place in the developments of the time. It is generally agreed that the indulgence is related in some way to the Celtic practice of redemption (*redemptio*) of severe penances by money payments, prayers and other penitential acts. As Bernhard Poschmann points out: 'Redemptions were first of all employed by way of relief. In principle it was maintained that these were of equal value with the penitential work for which they were substituted. In fact, however, their effect was an alleviation of penance'⁶⁷

In the light of subsequent history it is helpful to distinguish three directions of development arising from the original *redemptio*. The first was mentioned above (p. 296), namely the gradual adoption of the principle of 'arbitrary penances'. Thus Nikolaus Paulus explains, somewhat superficially, that as the *redemptio* ('Bussumwandlung') became widespread and was accepted by ecclesiastical authorities, 'its utilization was more and more facilitated until finally [the *redemptio*] was no longer necessary, and it was left to the confessor to impose whatever penance he wished (arbitrary penances).'⁶⁸

The other two developments are more complex. On the one hand there was the original insistence that the new penance, although different, should be equivalent to the old. On the other hand there was a real need from the beginning to alleviate penances which were, in practice, unbearable. During the following cen-

65 This has been noted by Wenzel, 'Seven Sins', 9 n. 40.

66 The question has often provided a focus for studies of penance. See, for example, Johannes Dietterle, 'Die Summae confessorum (sive de casibus conscientiae) von ihren Anfängen bis zu Silvester Prierias, unter besonderer Berücksichtigung ihrer Bestimmungen über den Ablass', *Zeitschrift für Kirchengeschichte* 24 (1903) 353-74, 520-48, 25 (1904) 248-72, 26 (1905) 59-81, 350-62, 27 (1906) 70-83, 166-88, 296-310, 431-42, 28 (1907) 401-31; Hödl, *Schlüsselgewalt*.

67 *Penance*, p. 211.

68 'Dazu kam nach, dass die Bussumwandlungen immer mehr erleichtert wurden, bis sie schliesslich nicht mehr nötig waren, und es dem Beichtvater überlassen blieb, welche Busse er auflegen wollte (poenitentiae arbitrarie)' (*Geschichte des Ablasses im Mittelalter vom Ursprunge bis zur Mitte des 14. Jahrhunderts* 1 (Paderborn, 1922), p. 16).

turies the two thrusts received various concrete developments and by the early thirteenth century theologians were expressing the results with a precise vocabulary. The first thrust — that of allowing the parish priest to exchange one penance for another of equal weight — was known as a *commutatio*, while the second — the right, reserved to bishops, to reduce and alleviate penances in exchange for one or another sort of action — comes to be known as *relaxatio*, *remissio*, *absolutio* and finally *indulgentia*.⁶⁹ The early stages of this distinction can be seen in the chapter *De relaxationibus* of Peter of Capua's *Summa* (1201 × 1202) where the *commutatio*, which exchanged two equivalent penances (*qui equigravant*), is explicitly distinguished from the *relaxatio*, which permitted a bishop to forgive as much of a penance as he saw fit without demanding an equal exchange of punishments.⁷⁰

In these matters Serlo again shows himself quite behind the times. There is no trace of the new 'relaxations' or of the important theological disputes they engendered. It is also surprising that Serlo makes no distinction whatsoever concerning the vocabulary with which the problems are discussed. Thus the term *commutatio*, which had become standard by this time as a designation for the traditional canons of penitential redemption, is ignored by Serlo. Rather, following Bartholomew of Exeter, he continues to refer to them under the older generic term *redemptio*.

One final aspect of the vast topic of indulgences that has not received adequate attention is the connection between the question of redemption of penances and that of redemption of vows.⁷¹ It would seem, tentatively, that during the late twelfth and early thirteenth centuries the question of redemption of penances became closely linked to the question of the redemption of vows. The two questions arise together, for example, in the *Summa 'Ne transgrediaris'*, where a text from Alexander III concerning the redemption of a vow of pilgrimage is cited as evidence that relaxations of penances are valid.⁷² Raymund of Peñafort also shows himself aware of this connection. After asserting that a priest can commute the satisfaction enjoined for a sin as long as it is done discreetly, for a reason, and only for his own parishioners, he adds: 'Nevertheless I do not extend this to vows, in which one must proceed more strictly.'⁷³

Serlo, too, seems aware of the connection of vows and penances. Although he makes no explicit statement to that effect, he does break with Bartholomew of

69 See Poschmann, *Penance*, p. 211; Hödl, *Schlüsselgewalt*, p. 296.

70 See the texts in Hödl, *ibid.*, pp. 292-93.

71 On vows and their dispensation see James A. Brundage, *Medieval Canon Law and the Crusader* (Madison, 1969), pp. 36-114.

72 See the text in Hödl, *Schlüsselgewalt*, p. 300.

73 'Non tamen hoc extendo ad vota, in quibus strictius proceditur ...' (*Summa* 3.34.66, p. 498).

Exeter and his other predecessors by juxtaposing at the end of his treatise chapter 29, *De redemptione penitentialiarum*, and chapter 30, *De redemptione votorum*. This popular parallel between vows and penances may help ultimately to illuminate the medieval understanding of penitential redemptions in new ways. At present it only adds another largely unknown quantity to the complex picture of medieval penitential practices.

* * *

To sum up. The *Summa de penitentia* of Master Serlo may be described as a carefully executed and scholarly treatise, reflecting a wide-ranging knowledge of both canon law and theology. It is an original work in that Serlo drew competently on many sources without slavishly following any. The *Summa*, however, is best characterized as thoroughly conservative. The treatment of the seven sins, although revealing a knowledge of modern developments, hearkens back not only to the twelfth century and Bartholomew of Exeter but even to the eleventh century and Burchard of Worms. Throughout the work the modern techniques of casuistry give way to the old school preference for authoritative *dicta* and general principles. Most important, the entire structure of the *Summa* is built around the old penitential tariffs. Modern teachings and practices are occasionally mentioned, but these are digressions from the main task of providing a thorough compilation of the ancient and authoritative penitential tradition.

This analysis of Serlo's place in the contemporary penitential literature has provided an opportunity for reevaluating the developments of penitential doctrine and practice in the early thirteenth century. In particular, attention has been drawn to the gap between teaching and practice or, more precisely, between the teachings of the major works on penance and those found in the less 'representative' treatises. It can be said with confidence that Serlo's work was not in the mainstream of major penitential *summae* in the thirteenth century. Whether it can be said with the same certainty that it was not in the mainstream of thirteenth-century penitential practice in the parishes is a question which must await further studies of the transmission of doctrines and the pastoral history of the Middle Ages.

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RANULF DE GLANVILLE'S FORMATIVE YEARS C. 1120-79:
THE FAMILY BACKGROUND AND
HIS ASCENT TO THE JUSTICIARSHIP*

J. S. Falls

RANULF de Glanville was one of the more prominent of the Anglo-Norman justiciars and is distinguished further by having his name linked with the famous *Tractatus de legibus et consuetudinibus regni Angliae* known as 'Glanville' since the early thirteenth century at least.¹ His tenure as justiciar coincided with a very significant period in English legal and administrative history. Ranulf enjoyed an excellent working rapport with Henry II, one of England's most dynamic and sagacious monarchs, and this alliance made possible an important step in the evolution of his office. Sketches of his life and political development can be found in Frederick Maitland's succinct but useful description in *The Dictionary of National Biography*, F. J. West's chapter in his *Justiciarship in England, 1066-1232* and the brief biographical references in C. R. Cheney's *Hubert Walter*, C. R. Young's *Hubert Walter, Lord of Canterbury and Lord of England*, S. B. Chrimes's *An Introduction to the Administrative History of England*, and more recently W. L. Warren's *Henry II*, among others;² never-

* I dedicate this paper to the late Dr. Charles E. Lewis, Associate Professor of Medieval History at Mississippi State University, who was killed in September 1975 in a tragic auto accident. Professor Lewis introduced me to medieval England and Ranulf de Glanville; his guidance was invaluable during my graduate years and after. I have lost a good friend and mentor; the profession has been deprived of a fine young medievalist. I would also like to thank my colleague Dr. Richard B. Elrod, University of Missouri, Kansas City, who proofread the paper and provided important stylistic comments.

¹ *Tractatus de legibus et consuetudinibus regni Angliae qui Glanvilla vocatur*, ed. G. D. G. Hall (Edinburgh, 1965). Much disagreement still exists over the authorship of this treatise; not only Ranulf but his nephew Hubert Walter and another justiciar Geoffrey Fitz Peter have been suggested. See pp. xxx-xxxiii for a good discussion of this controversial issue. It seems to me that Ranulf would have been too busy during the years 1187 to 1189 with Henry's needs, particularly soldiers and supplies for France and Wales, to have written the treatise.

² C. R. Cheney, *Hubert Walter* (London, 1967), pp. 17, 19, 20, 22; S. B. Chrimes, *An Introduction to the Administrative History of Medieval England* (New York, 1952), p. 40; F. W.

theless, no major treatment of Glanville's career has yet appeared. Moreover, these studies concentrate primarily upon his justiciarship during the years 1180 to 1189, with emphasis upon his substantial role in the judiciary. An examination of Ranulf's formative years and his rise to political eminence is certainly warranted; the present study hopes to place this period of his life in better historical perspective and to provide a clearer delineation of his ascent to the key post in the Angevin administrative machine.

Extant records supply numerous references to the Glanvilles; exact relationships, however, of this East Anglian family are not always easy to discern. Any endeavor to validate the dates of the existence of certain individuals and to distinguish between those with similar names faces formidable problems. But an attempt should be made to clarify Ranulf's antecedents not only to situate him more accurately in the family tree, but also to understand the significance of his family in English local and national politics.

The Glanvilles acquired their name from a Norman village in Calvados, located near Pont-l'Évêque, northwest of Lisieux.³ Soon after the Conquest they emigrated to Suffolk, but at this time enjoyed neither great wealth nor political prominence. Information about the Glanvilles remains quite sketchy for almost a century thereafter. Professor H. W. C. Davis' *Regesta, 1066-1100*, for instance, does not include them.⁴ The first recorded Glanville in England is a Ranulf, listed in Robert Malet's foundation charter of Eye Priory, c. 1080, as the donor of a *hospitium* in Yaxley, Suffolk.⁵ He could be the 'Reinaldus' de Glanville who had

Maitland, 'Ranulf De Glanville', *DNB* 7.1292-94; W. L. Warren, *Henry II* (Berkeley-Los Angeles, 1973), p. 294; F. J. West, *The Justiciarship in England, 1066-1232* (Cambridge Studies in Medieval Life and Thought, N.S. 12; Cambridge, 1966), pp. 54-63; C. R. Young, *Hubert Walter, Lord of Canterbury and Lord of England* (Durham, 1968), pp. 5-23. Needless to say, innumerable general histories of medieval England, biographies, and legal studies discuss Glanville; however, the above books were selected because of the biographical nature of their information, limited as it may be. Josiah Cox Russell, 'Ranulf de Glanville', *Speculum* 45 (1970) 69-79, especially 76-78, offers some scattered references to Glanville's early career in his very provocative article, which attempts to verify Ranulf's authorship of the *De legibus Angliae*. For an unpublished study of Glanville's justiciarship, see James S. Falls, *The Justiciarship of Ranulf de Glanville: A.D. 1180-1189* (Diss. Mississippi State University, 1967). In the late nineteenth century W. U. S. Glanville-Richards' *Records of the Anglo-Norman House of Glanville A.D. 1050-1880* (London, 1882) appeared, but this survey of his family pedigree unfortunately does not have much reliable information. The Genealogy Room of the New York Public Library contains a curious fourteen-page article, 'Glanville' by M. Washburn, n.d., whose author seems to have derived most of its contents from Glanville-Richards' study.

³ Lewis C. Loyd, *Origins of Some Anglo-Norman Families*, ed. Charles T. Clay and David C. Douglas (Harleian Society 103; Leeds, 1951), p. 46; see also Maitland, 'Ranulf de Glanville', 1292.

⁴ *Regesta regum Anglo-Normannorum 1066-1154*, vol. 1: *Regesta Willelmi Conquestoris et Willelmi Rufi 1066-1100*, ed. H. W. C. Davis (Oxford, 1913).

⁵ William Dugdale, *Monasticon Anglicanum*, ed. John Caley, Henry Ellis and the Reverend B.

witnessed Roger de Mowbray's gifts of land to Holy Trinity Church, Caen (c. 1066).⁶ W. U. S. Glanville-Richard's assertion that this Ranulf 'entered England in the train of William' and served as 'one of the Commanders of the Archers du Val du Real and Bretheul at the Battle of Hastings, 1066' cannot be verified and more than likely is spurious.⁷ The *Domesday Survey* provides the next reference to a Glanville, Robert (or 'the man of Robert Malet', as he was dubbed) and reveals that he had acquired considerable acreage in East Anglia, mostly in Suffolk.⁸

The records for the first half of the twelfth century furnish the names of several Glanvilles, with Hervey and William, probably Robert's sons, and William's son Bartholomew, as the most notable. In 1113 William founded in Norfolk the priory of Broomholme. Dedicated to St. Andrew, this impressive Cluniac house sheltered monks who formerly resided at Castleacre Priory.⁹ Unfortunately, very few materials concerning William have appeared,¹⁰ though available records are sufficient to indicate that William's heir, Bartholomew, ap-

Bandinel, 6 vols. in 8 (London, 1817-30), 3. 405. One of the witnesses to this deed was a Hervey de Glanville. For c. 1080 as the date for this charter, see David Knowles and R. Neville Hadcock, *Medieval Religious Houses: England and Wales*, 2nd edition (London, 1971), p. 54.

6 Marie Fauroux, *Recueil des actes des ducs de Normandie de 911 à 1066* (Société des antiquaires de Normandie 36; Caen, 1961), pp. 442-46, no. 231; Lucien Musset, *Les actes de Guillaume le Conquérant et de la reine Mathilde pour les abbayes caennaises* (Société des antiquaires de Normandie 37; Caen, 1967), p. 56, no. 2. See also *Gallia christiana* 11, *Instrumenta* 60. G. Andrews Moriarty, 'The Parentage of Ranulf de Glanville', *New England Historical and Genealogical Register* 102 (1948) 292, believes them to be the same person and also writes that this Ranulf sired two sons, Robert and Hervey, the latter of whom also witnessed the foundation charter of Eye Priory.

7 Glanville-Richards, *Records, House of Glanville*, pp. 1-3, 176-80 n. 2 Pedigree.

8 Lord Francis Hervey, 'Suffolk Domesday Survey' in *VCH Suffolk*, 2 vols. (London, 1907), 1. 444-45 (Creting), 447-48 (Chilton), 448-49 (Rendham, Sweffling, Benhall, Stratford St. Andrew, Glemham, Farnham), 449 (Benhall, Craneford), 455 (Burgh), 456-57 (Bawdsey, Hollesley), 458 (Charsfield, Boulge), 466 (Dallinghoo), 467-68 (Stradbroke, Horham), 537-38 (Burgh, Bredfield). This Glanville held property from Robert Malet in all of these places except for the last, which he held from William de Warenne. In Norfolk Glanville had land only in Honing, which Robert Malet held from the abbey of St. Benet of Holme. See Charles Johnson and E. Salisbury, 'Translation of the Norfolk Domesday' in *VCH Norfolk*, 2 vols. (London, 1906), 2. 143.

9 Dugdale, *Monasticon* 5. 59. This priory is sometimes called Bacton. William Dugdale, *The Baronage of England*, 2 vols. (London, 1675-76), 1. 423, claims that Bartholomew founded Broomholme, but the documents do not support his statement. See below n. 12.

10 A William de Glanville witnessed the grant by the abbey of St. Benet of Holme to Bartholomew Fitz Hugh, c. 1127-March 1134. See *Register of the Abbey of St. Benet of Holme, 1020-1210*, ed. J. R. West, 2 vols. (Norfolk Record Society 2-3; Norwich, 1932), 1. 74-75. Around 1131-33 Henry I granted to William de Glanville, his serjeant, the office and land which previously had belonged to the king's uncle, William de Salt les Dames (*Regesta regum Anglo-Normannorum 1066-1154*, vol. 2: *Regesta Henrici primi 1100-1135*, ed. Charles Johnson and H. A. Cronne (Oxford, 1956), p. 276, no. 1835). Undoubtedly the same person figures in both events and probably could be William, the founder of Broomholme, still alive in the early 1130's.

parently distinguished himself in East Anglian affairs from at least the late 1140's until his death in the late 1170's. He was a tenant in knight service to the abbey of St. Benet of Holme,¹¹ donated extensive lands and churches to Broomholme when he confirmed his father's gifts to that house around 1150,¹² and, during the years 1170 to 1176, served as the sheriff of Norfolk and Suffolk along with Wimar, the king's chaplain, and William Bardulf.¹³

Hervey, Ranulf's father,¹⁴ who led a most colorful and varied life, poses a real dilemma to students of the Glanville genealogy. A Hervey de Glanville acted as one of the four leaders of the Anglo-Norman forces involved in the 1147 attack upon Moorish-controlled Lisbon. The anonymous chronicler of this episode lists Hervey as a principal general and as a commander-in-chief of the armada from Norfolk and Suffolk.¹⁵ This account of the expedition depicts Hervey as an active campaigner. During a critical time at the beginning of this venture, in an impassioned speech, he allegedly dissuaded a strong minority of his contingent from bypassing Lisbon in favor of piratical attacks upon the commercial fleets of Islamic Africa and Spain.¹⁶ After his troops had reached the Tagus River near Lisbon, he and a small group of thirty-eight soldiers protected an exposed and

11 *Register of the Abbey of St. Benet of Holme* 1. 34, no. 66; 2. 212-13, 233.

12 Dugdale, *Monasticon* 5. 63, provides the data for more specific analysis of the lands donated to Broomholme by William and Bartholomew. See *The Crawford Collection of Early Charters and Documents*, ed. A. S. Napier and W. H. Stevenson (Anecdota Oxoniensia; Oxford, 1895), pp. 32-33, whose editors date this charter c. 1150. Witnesses to the above charter included several Glanvilles, among them Bartholomew's uncle Hervey and his cousin Ranulf.

13 *PR 16 Henry II*, p. 1; *PR 22 Henry II*, p. 59.

14 Dugdale, *Baronage of England* 1. 423, suggests that the father of Ranulf was William, the founder of Broomholme, but a closer inspection of the sources reveals that Hervey sired Ranulf. In Bartholomew's confirmation charter of his father William's donations to Broomholme, Ranulf's name follows Hervey's, and the former is labeled *filius eius*. See Dugdale, *Monasticon* 5. 63. In a mandate to Hervey, Nigel, bishop of Ely, refers to Ranulf as Hervey's son (*Liber Eliensis*, ed. E. O. Blake (Camden Society, 3rd Ser., 92; London, 1962), p. 381). A case in the *Curia regis Rolls* 1. 433 describes Hervey as the 'father of Ranulf de Glanville'.

15 *De expugnatione Lyxbonensi: The Conquest of Lisbon*, trans. and ed. Charles W. David (New York, 1936), pp. 40-46. Historians are still uncertain about the authorship of this narrative of the Lisbon expedition. Professor David, 'The Authorship of the *De expugnatione Lyxbonensi*', *Speculum* 7 (1932) 56, had written that the narrator was Osbert, a priest from Bawdsey, Suffolk. However, C. R. Cheney, 'The Authorship of the *De expugnatione Lyxbonensi*', *Speculum* 7 (1932) 395-96, argued convincingly that it was not Osbert; in a brief note appended to Cheney's article, Professor David concurred. Four years later in the introduction to his own translation, Professor David believed that the author participated quite vigorously in the crusade, was associated closely with Hervey de Glanville, and as a priest had joined in the martial activities, but he could not determine the author's identity. More recently Russell, 'Ranulf de Glanville', 69-78, has reopened the controversy by proposing the very fascinating thesis that Ranulf himself not only wrote the legal treatise which still bears his name, but also the *De expugnatione Lyxbonensi*, as well as the account of the 1150 shire moot. His arguments, though provocative, are difficult to accept.

16 *De expugnatione Lyxbonensi*, pp. 104-11.

dangerous location until a more defensible camp could be prepared.¹⁷ Toward the end of the campaign, when the Moors surrendered the city and a brief truce had been arranged, Hervey accepted five hostages to be handed over to the Portuguese monarch Alfonso.¹⁸

A second source places a Hervey in another significant event — a joint shire moot for Norfolk and Suffolk around 1150, which met in the garden of William, bishop of Norwich, and was presided over by the royal steward William Martel. The records of the meeting offer considerable information of interest about administration and justice during Stephen's reign.¹⁹ The case before the court concerned vassals of Abbot Ording of Bury St. Edmunds accused of conspiring to betray the king. The abbot averred that the matter should be handled within his jurisdiction, and he persuaded the shire court to assemble so that he could collect his charters of liberty and show these documents to his monarch. King Stephen, uncertain about the proceedings, asked the shire moot to resolve the conflict.

Of the local magnates there, Hervey de Glanville, a garrulous old man, delivered a speech which helped the group decide in favor of the abbot. He convinced them with these words:

Verumtamen pro certo dico, testificor, et astruo quod transacti sunt quinquaginta anni quod primitus cepi frequentare centuriatus et comitatus cum patre meo, antequam casatus essem, et postea usque modo. Quocienscunque autem aliqua loquela de aliquo homine de viii hundredis et dimidio cuiuscunque homo esset in comitatibus exorta fuisset, Abbas sancti Edmundi siue dapifer eius et ministri illius deracionando loquelam tulerunt secum ad curiam sancti Edmundi, ibique deducebatur qualiscunque loquela siue calumpnia fuisset, excepto thesauro et murthero.²⁰

The majority agreed with Hervey, and the king accepted their judgment. 'It was a remarkable victory for old ways and localism.'²¹

Some controversy still remains as to whether Hervey participated in both the expedition and the joint shire moot. Contrary to the views of C. W. David, it is suggested here that these two events indeed involved the same Hervey de Glanville. Professor David, editor of the *Conquest of Lisbon*, argues that there were two Herveys, one who led the expedition and one who spoke at the shire moot. He contends that the Hervey of the shire meeting would have been too old to

17 *ibid.*, pp. 96-97.

18 *ibid.*, pp. 169, 171.

19 Helen Cam, 'An East Anglian Shire-Moot of Stephen's Reign, 1148-1153', *English Historical Review* 39 (1924) 568-71. For the date c. 1150, see *Regesta regum Anglo-Normannorum 1066-1154*, vol. 3: *Regesta regum Stephani ac Matildis imperatricis ac Gaufridi et Henrici ducum Normannorum 1135-1154*, ed. H. A. Cronne and R. H. C. Davis (Oxford, 1968), p. xxvii n. 3.

20 Cam, *ibid.*, 570-71.

21 *Regesta regum Anglo-Normannorum 1066-1154* 3. xxvii.

have participated in both.²² Yet the recent conclusion of Josiah C. Russell about medieval age patterns seems applicable here. He wrote that 'data from his social class [i.e., Ranulf's] in the thirteenth century shows that a tenth of the men at thirty years of age lived on past seventy. The frequency with which men served vigorously in their sixties marks that time of life as less than a great age.'²³ This statement could pertain to Hervey as well as to his son, Ranulf. Furthermore, nothing in the Lisbon chronicle can verify that Hervey did anything more physical than verbally to prevent his ships from pirating Spanish and African vessels, spend one night in a dangerously unprotected site where apparently no fighting took place, and assist in the transfer of five Moorish prisoners. Hence age does not seem a useful factor in proving whether there were one or two Herveys. Another similarity between the two Herveys implies they were one and the same. The sources always depict Hervey as an eloquent speaker, whether dissuading part of his forces from diverting their course to Africa or convincing the notables of East Anglia to support localism over royal power. Some of the rhetoric naturally belongs to the authors of these accounts, but that the two stories concur in this particular proves of interest. It is therefore certainly plausible that the Hervey of the Lisbon campaign and the Hervey of the shire moot could have been the same person.

Hervey's son, Ranulf, the future justiciar, was born in Suffolk between 1120 and 1130.²⁴ By marital alliances he succeeded in expanding his lands and family connections in Yorkshire as well as East Anglia. With his marriage to Bertha, daughter of his neighbor, Theobald de Valognes, lord of Parham, Suffolk, and also a Yorkshire baron, Ranulf acquired numerous properties, including 'Brochous', Suffolk, later the site of Butley, the earliest of his religious foundations.²⁵ The espousals of his daughters — Matilda to William de Auberville, a Yorkshire baron, Helewise to Robert Fitz Ralph, lord of Middleham in Yorkshire, and Amabel to Ralph de Arden — extended his associations with northern England,²⁶ as did the wedding of his niece to another important northern baron,

22 *De expugnatione Lyxbonensi*, p. 55 n. 2.

23 Russell, 'Ranulf de Glanville', 70.

24 C. T. Clay, *Early Yorkshire Charters* [hereafter cited as Clay, *EYC*] (Yorkshire Archeological Society Record Series, Extra Series 2, 5; 1935), p. 236, provides much better evidence for the dates of Ranulf's birth than does Glanville-Richards, *Records, House of Glanville*, p. 27, who gives c. 1130 as the best date. Dugdale, *Baronage of England* 1. 423, claims that Ranulf's birthplace was Stratford, Suffolk.

25 Dugdale, *Monasticon* 6. 380; Maitland, 'Ranulf de Glanville', 1292.

26 Dugdale, *Monasticon* 6. 381. Some historians have suggested that Ranulf had a son. See Edward Foss, *Judges of England*, 9 vols. (London, 1848-64), 1. 253; Glanville-Richards, *Records, House of Glanville*, p. 53; G. H. Orpen, *Ireland under the Normans, 1169-1216*, 2 vols. (Oxford, 1911), 1. 99-100 n. 2. Moriarty, 'The Parentage of Ranulf de Glanville', 296, writes that the sons of Ranulf apparently died *in vita patris*. Most scholars accept the statement in Dugdale, *Monasticon* 6. 380-81, that Ranulf sired only three daughters.

William de Stuteville.²⁷ And Ranulf's ties with his family and friends in East Anglia and Yorkshire remained close, for he constantly made use of their talents during his justiciarship.

Very little information survives about Glanville before his selection as the sheriff of Yorkshire in 1163. Possibly as a young man in his twenties he gained valuable military knowledge by accompanying his father in the expedition to Lisbon and perhaps a few years later heard his father's speech before the joint shire moot in 1150, thereby acquiring insight into local politics. Ranulf's name first appears in a mandate (c. 1144) of Nigel, bishop of Ely, who had ordered Hervey and his son to return to the monks of Ely their land in Bawdsey.²⁸ Around 1150, along with several other Glanvilles, he attested his uncle Bartholomew's donations to Broomholme.²⁹ Later in the decade Ranulf and Bartholomew witnessed when William, count of Mortain and earl of Warenne, bestowed some of his Suffolk property upon Bury St. Edmunds.³⁰ When William, King Stephen's son, confirmed his father's gifts to Eye Priory, Ranulf was there.³¹ In 1162 and 1163 he apparently participated in Richard de Anstey's famous lawsuit for possession of his inheritance.³²

These four charters and the link with the Anstey case provide the only written record for Glanville's biography prior to his appointment to public office. The charters relating to Norfolk and Suffolk indicate his prominence in the affairs of East Anglia. That Ranulf witnessed the charters of the king's son and such an eminent noble as the count of Mortain testifies to his stature; and that Anstey sought his advice during his litigation attests to his importance. It is not surprising that in 1163 Henry II delegated him to the shrievalty of Yorkshire. Professor Francis West's opinion that Ranulf's fame and fortune rested upon his

27 *Rotuli de dominabus et pueris et puellis de XII comitatibus* [1185], ed. J. H. Round (Pipe Roll Society, First Series 35; London, 1913), p. xxiv. He also arranged marriages for two other nieces, to Ralph de Haudeboville and Aubri Picot (*ibid.*).

28 *Liber Eliensis*, pp. 381, 408-409.

29 Dugdale, *Monasticon* 5. 63.

30 *Feudal Documents from the Abbey of Bury St. Edmunds*, ed. D. C. Douglas (London, 1932), p. 163, no. 188. Douglas offers the *termini* October 1154-October 1159 for this charter, whereas William Farrer, *Honors and Knights' Fees*, 3 vols. (Manchester, 1925), 3. 424, lists the dates as 1148-59.

31 Dugdale, *Monasticon* 3. 306. This charter has to be earlier than 1159, as William died during the campaign at Toulouse in this year. It probably dates to the early 1150's before King Stephen's death.

32 Patricia M. Barnes, 'The Anstey Case' in *A Medieval Miscellany for Doris Mary Stenton*, ed. P. M. Barnes and C. F. Slade (Pipe Roll Society, N.S. 36; London, 1962), p. 21. In the account of the expenses of his lawsuit, Anstey wrote, 'et interim misi Johannem fratrem meum propter Ranulfum de Glanville'. Cf. Russell, 'Ranulf de Glanville', 78: '... Anstey sought the advice of Glanville. This suggests that Ranulf had advice to offer about the king's court which he had probably acquired through participation in the court in the preceding months on the continent.'

loyal service to the king rather than his family lands no doubt applies to his career after 1163.³³ But the future justiciar's family relationships in East Anglia and Yorkshire surely helped bring him to Henry's attention.

Ranulf served as the sheriff of Yorkshire from 1163 to 1170.³⁴ Again the sources are silent about these years. The Pipe Rolls, however, reveal that Glanville busied himself with his new responsibilities in Yorkshire.³⁵ Some evidence does remain which suggests that Glanville, at least by the late 1160's, was becoming affiliated with the *curia regis*. In 1168 he witnessed a charter sealed before the justiciar Richard de Luci, Reginald de Warenne, and other members of the Exchequer.³⁶ On Michaelmas Day 1169 at Westminster, Glanville and nine other barons attested an enfeoffment.³⁷

In 1170 as a result of the Inquest of Sheriffs, Glanville lost his shrievalty to Robert de Stuteville.³⁸ No known reason for Ranulf's dismissal exists other than the fact (pointed out by Bishop Stubbs) that the discharged sheriffs represented local magnates who had been oppressive and too feudal in their administration.³⁹ Glanville might have been guilty of abusing the power of his position to enrich himself, as he occasionally did later during his justiciarship. An entry for the Pipe Roll of 1177 (after his reappointment to the Yorkshire shrievalty in 1174) provides a clue as to what might have occurred earlier in 1170. Ranulf had to answer for no less than £ 1571; also he illegally possessed silver plate, many types of horses, and hawks. Some of his assistants had taken money and other items. The loot, according to a sworn inquest, had come from the county and part from the estate of Everard de Ros, of whose land Ranulf had custody. The king pardoned him for the entire amount. A similar misdeed might have caused his removal in 1170.⁴⁰

Even though the king deprived Glanville of his post in 1170, Ranulf continued to enjoy royal trust. The records show that he traveled often with Henry during

33 West, *Justiciarship in England*, p. 54.

34 *PR 10 Henry II*, p. 11; *PR 16 Henry II*, p. 63. West, *Justiciarship in England*, p. 54, wrote that Glanville was the sheriff of Leicestershire and Warwickshire in this year. Foss, *Judges of England* 1. 377, cites Fuller's *Worthies* as his source for this statement. A careful study of the records, particularly the Pipe Rolls, reveals that William Basset and Ralph Fitz Geoffrey served respectively in these shrievalties during this year.

35 Russell, 'Ranulf de Glanville', 76, aptly states: 'The earlier period, 1163-1176, seldom saw Glanville's name in charter witness lists, presumably because he spent most of his time in Yorkshire as its sheriff.'

36 R. W. Eyton, *Court, Household, and Itinerary of King Henry II* (London, 1878), p. 117.

37 *ibid.*, p. 130.

38 *PR 16 Henry II*, p. 63.

39 William Stubbs, *Select Charters*, rev. H. W. C. Davis, 9th edition (Oxford, 1913), p. 175.

40 *PR 23 Henry II*, pp. xxvi, 81. In the introduction Professor Round suggests the possibility of such an offense by Ranulf.

the next few years. Two royal charters locate him with the king in France at the towns of Chevaillac and Caen in June or July 1171.⁴¹ He accompanied Henry to Ireland in October 1171, when Glanville witnessed the king's grant of Dublin to the men of Bristol.⁴² The Pipe Roll for 1171 furnishes additional proof that Ranulf retained the king's esteem; in that year Henry presented him the custodianship of the prosperous honour of Richmond, which he farmed from 1171 to 1183.⁴³

Glanville's association with Henry during the early 1170's surely helps to explain his assignment as sheriff of Lancashire at Easter 1173⁴⁴ — a very critical moment in Henry's reign and in Ranulf's career. William the Lion, king of Scotland, had just invaded northern England in an effort to regain lands, including Lancaster, which his predecessors had held. Eleanor of Aquitaine and her sons, supported by the French sovereign Louis VII, united against Henry. Flemish mercenaries threatened to invade the eastern shore; and several English barons, among them Hugh Bigod, earl of Norfolk, joined the great rebellion. Naturally Henry believed it vital to entrust Lancaster castle and the territory which it occupied to capable and loyal hands. During the preceding years Glanville's talents as a local official obviously had impressed the king, who commended Ranulf with this significant appointment; Glanville fully justified Henry's confidence.

Ranulf's initial responsibility as sheriff involved the capture of Hamon de Massy, lord of the castles of Durham and Ullerwood, and an English ally of William the Lion.⁴⁵ In July 1174, the Scottish ruler, who had left behind a considerable number of troops in northern England to plunder, hastened to besiege Alnwick castle near Newcastle-on-Tyne. At the same time an English army headed toward him from Newcastle with Glanville as one of its generals. The

41 Melville M. Bigelow, *History of Procedure in England from the Norman Conquest 1066-1204* (Boston, 1880), Appendix, no. 13 (p. 370); Léopold Delisle, *Recueil des actes de Henri II*, ed. E. Berger, 3 vols. (Paris, 1916-27), 1, no. 447 (pp. 578-79).

42 *Historical and Municipal Documents of Ireland*, ed. J. T. Gilbert (RS 53; London, 1870), p. 1. See also Orpen, *Ireland under the Normans* 1. 256. The actions of Richard Fitz Gilbert, better known as Strongbow, prompted Henry II's sudden visit to Ireland, for the former had begun to create a kingdom there for himself. Before Henry set sail for Ireland, he cut off all aid to Strongbow, whom he met at Milford Haven, and accepted his surrender of the Irish seaports (Doris M. Stenton, 'England: Henry II', *Cambridge Medieval History* 5 (New York, 1926), pp. 565-66).

43 *PR 17 Henry II*, p. 117; West, *Justiciarship in England*, p. 55 n. 1.

44 *Lancashire Pipe Rolls of 31 Henry I, A.D. 1130, and of the Reigns of Henry II, A.D. 1155-1189; Richard I, 1189-1199; and King John 1199-1216 ... also Early Lancashire Charters*, ed. William Farrer (Liverpool, 1902), p. 28. As soon as the rebellion ended, Glanville relinquished the shrievalty to Ralph Fitz Bernard. See *PR 21 Henry II*, pp. 8-9.

45 *Gesta regis Henrici secundi Benedicti abbatis*, ed. William Stubbs, 2 vols. (RS 49; London, 1879-80), 1. 48; *VCH Lancashire* 2. 188.

other commanders included Robert de Stuteville, the sheriff of Yorkshire, William de Vesci, Bernard de Baillol, Ralph de Tilli, and Odonell d'Umfravill.⁴⁶ Apparently a few of these leaders hesitated to advance. Glanville, according to Jordan Fantosme, whose metrical chronicle describes the event, took the initiative and restored their morale when he proposed this strategy: 'Faimee-le sagement. Envieums un espie pur esmer la lur gent; E nus vendrum après, se Deu le nus cunsent. Quant les Escox n'i sunt, nus ne's dutum neient.'⁴⁷

The English host heeded Ranulf's advice; under cover of a thick mist they neared Alnwick castle on 13 June. As the two armies approached each other, William the Lion mistook the other group for a contingent of his own troops. When the Scottish ruler realized his error he bravely charged the English with his sixty men. During the battle Glanville's soldiers killed William's horse, which trapped him as it fell. Ranulf was there to accept the king's surrender. On the same day he transferred the prisoner to Newcastle and afterwards had William confined in the well-fortified castle of Richmond.⁴⁸ Glanville then dispatched his messenger Brian to King Henry, who with great delight received the good news on 17 July of the Scottish ruler's capture and subsequent detention at Richmond castle.⁴⁹ Henry sent orders to the triumphant commander for the removal of the prisoner to Northampton. From there William sailed to Falaise, Normandy, where he remained until a satisfactory treaty could be negotiated between England and Scotland.⁵⁰

Because of his outstanding role in the successful termination of the great northern rebellion, Glanville now began to rise rapidly in the royal service. Almost at once the king restored the shrievalty of Yorkshire to him, although his name does not appear on the Pipe Rolls until the next year.⁵¹ He retained this position until the end of Henry's reign. In 1174 he sat at the *curia regis* at Westminster beside Richard de Luci and other officials.⁵² In 1177 he became sheriff of Westmoreland.⁵³ The approximately thirty-five extant charters (and a few final con-

46 *Gesta Henrici* 1. 65; Walter of Coventry, *Memoriale fratris Walteri de Coventria*, ed. William Stubbs, 2 vols. (RS 58; London, 1872-73), 1. 226; Maitland, 'Ranulf de Glanville', 1292, stated that Glanville possibly led the men from Lancaster and Richmond.

47 Jordan Fantosme, *Metrical Chronicle* in *Chronicles of the Reigns of Stephen, Henry II, and Richard I*, ed. R. Howlett, 4 vols. (RS 82; London, 1884-90), 3. 349.

48 *ibid.* 3. 353-63. See also George Tate, *History of the Borough, Castle and Barony of Alnwick*, 2 vols. (Alnwick, 1866-69), 1. 61-62.

49 Fantosme, *Metrical Chronicle* 3. 369; William of Newburgh, *Historia rerum Anglicarum* in *Chronicles ... of Stephen, Henry II, and Richard I* 1. 189.

50 *Gesta Henrici* 1. 74; A. L. Poole, *From Domesday Book to Magna Carta, 1066-1215* (Oxford, 1951), p. 277.

51 *PR 22 Henry II*, p. 99.

52 British Library, MS. Lansdowne 415, fol. 22v.

53 *PR 23 Henry II*, 123. Ranulf held this position for three years, but it seems that Reiner de Wactanesham, his man in Yorkshire, handled most of the work.

cords) for the years 1174-79, with most of these documents in 1175, show Glanville quite often with the king, the justiciar Richard de Luci, prelates like Bishops Geoffroy of Ely, John of Norwich, Richard of Winchester, and men who later would figure in Ranulf's justiciarship, such as Michael Belet, Ralph de Gedding, Hugh de Cressi, and William Basset. Cities in northern England, particularly Yorkshire, predominate; and frequently charters witnessed elsewhere pertained to Yorkshire matters. For example, in August 1174 at Portsmouth, Ranulf, Richard, bishop-elect of Winchester, and Geoffrey, the bishop-elect of Ely, attested Henry II's grant to St. John's, Beverley, Yorkshire, of a fair for nine days and protection for travelers to and from the city;⁵⁴ and in c. July 1175 at Woodstock Henry II in Ranulf's presence awarded Knaresborough and Aldborough to William de Stuteville, which he would hold by the service of three knights.⁵⁵ At York, August 1175, he witnessed two royal confirmations. In the first, William de Percy gave a pasture to the monks of Fountains Abbey; and in the second, Thurston, archbishop of York, donated gifts to the nuns of St. Clement's, York.⁵⁶ Again at York, c. September 1175 Ranulf *tunc vicecomes Ebor'* witnessed Roger de Mowbray's gift of Brimham to Fountains.⁵⁷ One interesting charter (c. 1175) has Ranulf, custodian of the honour of Richmond, attesting the marriage arrangement made by Alan, constable of Richmond, in which he gives his daughter Amfelise and certain properties to Jollan de Neville.⁵⁸ Another charter places Ranulf *vicecomes*, his wife Bertha *vicecomitissa*, and their daughter Matilda as witnesses to the grant of land to Rievaulx Abbey by Asceria, widow of Asketil de Habton.⁵⁹ These represent only a few examples of the charters from these years.⁶⁰

54 W. Farrer, ed., *Early Yorkshire Charters*, 3 vols. [hereafter cited as Farrer, *EYC*] (Edinburgh, 1914-16), 1.103, no. 109.

55 *ibid.* 1. 390, no. 508.

56 *Memorials of the Abbey of St. Mary of Fountains*, ed. J. R. Walbran (Surtees Society 67; London, 1878), 2/1.7-8; Farrer, *EYC* 1.279-81.

57 *Charters of the Honour of Mowbray*, ed. D. E. Greenway (Records of Social and Economic History, N.S. 1; London, 1972), p. 89, no. 119. Ms. Greenway cites c. September 1175 to March 1176 for this charter; the 1175 date seems preferable since Ranulf witnessed charters at York in August 1175.

58 Clay, *EYC* 5/2. 153-54, no. 262.

59 *Cartularium abbathiae de Rievallae ordinis Cisterciensis*, ed. J. C. Atkinson (Surtees Society 83; London, 1899), pp. 61-62. This document is also fascinating because it contains a remarkable number of female witnesses.

60 For other charters and fines witnessed by Glanville during the years 1174 to 1179, see: *Cartulary of Canonsleigh Abbey (Harleian Ms. No. 3660)*, ed. Vera C. M. London (Devon and Cornwall Record Society, N.S. 8; Torquay, 1965), p. 3, no. 14 (1173-c. 1178, Winchester); *York Minster Fasti*, ed. C. T. Clay, 2 (Yorkshire Archeological Society Record Series 124; 1959), p. 98, no. 53 (c. 1174, Northampton); *Cartulary of Winchester Cathedral*, ed. A. W. Goodman (Winchester, 1927), pp. 196-97, no. 456 (29 September 1174, London, final concord); *Digest of the Charters Preserved in the Cartulary of the Priory of Dunstable*, ed. G. H. Fowler, 1 (Bedfordshire Historical Record Society 10; Apsley Guise, 1926), pp. 221-22, no. 878 (c. 1174-79, Caen); *Calendar of*

In the 1170's Ranulf initiated in northern England an interest he maintained throughout the remainder of his career. In 1171 he founded Butley Priory in Suffolk, dedicated to the Blessed Virgin and placed in the care of the Black Canons of St. Augustine.⁶¹ This house ultimately became one of the wealthiest in England. Glanville also provided land for the hospital of St. Peter, York (c. 1170 to 1176).⁶²

In the final years before his appointment to the justiciarship, at the king's behest, Glanville actively engaged in an unusually large amount of judicial work. At Michaelmas 1175 he and Hugh de Cressy dispensed justice in the counties of Oxford, Derby, Nottingham, Northampton, Buckingham, Bedford, Essex, Hertford, Norfolk, Suffolk, Cambridge, Huntingdon, Lincoln, York, and Northumberland.⁶³ At the Assize of Northampton in January 1176 the king met with the bishops, earls, and barons of his kingdom; at that time he divided his realm into six judicial districts with three justices assigned to each circuit. He dispatched Ranulf, Robert Pikenot, and Robert de Wallibus to hear pleas in six counties,⁶⁴ but the three itinerant justices as a group accounted for pleas only in Northumberland and Yorkshire.⁶⁵

Documents Preserved in France Illustrative of the History of Great Britain and Ireland, A.D. 918-1206, ed. J. H. Round, 1 (London, 1899), p. 8, nos. 32 (? 1175, Windsor) and 33 (1175, Westminster); Lambeth Palace Library, *Cartae miscellaneae* xi/4 (c. 1175-80, Marlborough); *Cartulary of Worcester Cathedral Priory, Register I*, ed. R. A. Darlington (Pipe Roll Society, N.S. 38; London, 1968), pp. 132-33, no. 249 (October 1175, Worcester); *Cartae antiquae Rolls 1-10*, ed. Lionel Landon (Pipe Roll Society, N.S. 17; London, 1939), pp. 45-46, no. 79 (c. 1175-80, Winchester); *Cartae et alia munimenta quae ad Dominium de Glamorgan pertinent*, vol. 3: 441-1300, ed. G. O. Clark (Cardiff, 1891), pp. 108-109 (c. 1175-77, Westminster); Delisle, *Recueil des actes de Henri II* 2. 118-19, no. 543 (May 1175-76 or 1179, Westminster), 2. 119-20, no. 544 (May 1175-76 or 1179, Winchester); *Coucher Book of Furness Abbey*, ed. J. Brownbill and J. C. Atkinson (Chetham Society, N.S. 76; 1916), 2/2. 311-12, no. 24 (c. 1175-80, Westminster); *Cartae antiquae Rolls 11-20*, ed. J. Conway Davies (Pipe Roll Society, N.S. 33; London, 1960), p. 173, no. 577 (1176, Nottingham); *Calendar of Documents Preserved in France* 1. 516, no. 1400 (c. 26 January 1176, Northampton); *Pleas before the King or His Justices, 1198-1202*, ed. Doris M. Stenton (Selden Society 83; London, 1967), p. lvii (24 September 1176, York); C. T. Clay, 'Yorkshire Final Concords of the Reign of Henry II', *Yorkshire Archeological Journal* 40 (1959) 82, no. 2 (24 September 1176, York, final concord), no. 3 (8 September 1178, Doncaster, final concord); Eyton, *Itinerary*, p. 217 (10-17 July 1177, Stansted); Delisle, *Recueil des actes de Henri II* 2. 113-16, no. 539 (August 1177 or 1 April 1179, Winchester); *Cartae antiquae 11-20*, pp. 42-44, no. 359 (1177, Argentan); *Cartae ... Glamorgan* 3. 157-58 (1179, Westminster); *Lancashire Pipe Rolls*, p. 412 (1179, Winchester); British Library MS. Lansdowne 415, fol. 24v (1179, Nottingham, final concord); *Eynsham Cartulary*, ed. H. E. Salter, 2 vols. (Oxford Historical Society, 1st Ser., 49, 51; Oxford, 1906-1907), 1, no. 173 (17 July 1179, Oxford, final concord); Eyton, *Itinerary*, pp. 225-26 (March 1179, Gloucester).

61 Dugdale, *Monasticon* 6. 379-80.

62 Farrer, *EYC* 1. 186, no. 225.

63 *PR 21 Henry II*, pp. 13, 31, 33, 44, 46, 52, 54, 77, 118, 122, 141, 142, 150, 174, 186.

64 *Gesta Henrici* 1. 107-108.

65 *PR 22 Henry II*, pp. 108, 138. Ranulf and Hugh de Cressy did revisit those shires of the

In 1177 Henry again demonstrated his confidence in Glanville by commissioning him as one of the ambassadors to Flanders. An entry in the Dover Pipe Roll reveals that he probably had traveled to the same country in the late spring of 1176, because the roll includes the expenses for Ranulf and his companion, Walter de Coutances, archdeacon of Oxford and the king's vice-chancellor. Their visit concerned a proposed marriage treaty between Flanders and France.⁶⁶ Two Flemish diplomats, Robert of Bethune, advocate of Arras, and Roger, castellan of Courtrai, attended the Council of Northampton, which met in late January 1177. At this meeting they informed the king that Louis VII had dispatched messengers to the court of Flanders with orders to discuss a marriage with Count Philip. The French monarch desired to espouse his son and nephew to Philip's nieces, the daughters of his brother, Count Matthew of Boulogne. But with his territory sandwiched in between the lands of the French and English sovereigns, Philip did not wish to complete the marital agreements until he had conferred with the English king; naturally he feared incurring the displeasure of either. Pleased with the count's decision to consult him, Henry pledged that he would fulfill all promises to Philip as nearly as possible. He then sent Ranulf and Walter on a return trip to Flanders to hear Philip's reply firsthand. The latter swore before them that he would wed his nieces to no one until he had communicated with Henry II.⁶⁷

In 1178 Glanville apparently became one of the justices who composed the newly-created court which has been called the *curia regis in banco*.⁶⁸ Henry II instituted this resident bench, comprised initially of five persons, to supervise all pleas of the realm; the king and his small council would handle only cases of the highest importance.⁶⁹ That Glanville was a member of this group in 1178 seems obvious. He did not travel on eyre in this year, as he had in the two previous years and would in the next, which implies that he indeed occupied himself with the business of this court.⁷⁰ Experience acquired during the preceding years as sheriff and justice certainly qualified him for the position; that he received the justiciarship within less than two years implies that he had begun already to gain additional expertise by sitting on this tribunal, an excellent steppingstone to the

previous year (*ibid.*, pp. 5, 18, 19, 30, 49, 66, 72, 80, 98, 108, 138; West, *Justiciarship in England*, p. 55).

⁶⁶ *PR* 22 Henry II, p. 211.

⁶⁷ *Gesta Henrici* I. 133, 136. Philip later married his nieces to Louis' son and nephew without consulting Henry II.

⁶⁸ William Stubbs, *Historical Introductions to the Rolls Series*, ed. Arthur Hassall (London, 1902), p. 137.

⁶⁹ *Gesta Henrici* I. 207.

⁷⁰ James H. Ramsay, *History of the Revenues of the Kings of England, 1066-1399*, 2 vols. (Oxford, 1925), I. 137.

viceroyalty. Significantly, the next year he was the only secular official associated with the bishops, John of Norwich, Geoffrey of Ely, and Richard of Winchester, prominent royal ministers and members of this 1178 court. And if he did belong to this body, it would help to explain his selection for the important post of justiciar.

Glanville's appointment as justiciar took place some time during the years 1178 to 1180. Even though the king, according to the sources, had not bestowed the title upon Ranulf in 1179, it seems he already had performed the duties of this office. Richard de Luci, chief justiciar of England for a quarter of a century, officially resigned soon after Easter 1179, although H. G. Richardson has pointed out that de Luci had been ill for the last year and unable to attend to many of his responsibilities.⁷¹ Henry did not designate a successor immediately but decided to remodel his provincial administration, clearly hoping this expedient would suffice until he named the new justiciar. Therefore, at the Council of Windsor, held soon after Easter, the king set aside the old arrangement of six judicial circuits. He now separated England into four districts: the East, the West, the Midlands, and the North. The bishops of the central body formed in 1178 supervised three of the divisions. Glanville, the only lay person, administered the northern district, which included the land between the Trent River and the Scottish border. Godfrey de Luci, Hugh de Gaherst, William de Bending, Alan de Furnellis, and John Cumin assisted Ranulf. These six judges, according to the author of the *Gesta Henrici*, also had to listen to the complaints of the people in the *curia regis*.⁷² In late August 1179 the king accepted the results of these eyres at Westminster.⁷³

At the Council of Windsor Henry had established definite areas for the judges to traverse, but Glanville and his justices did not adhere to the scheduled *itineraria*. Whether Henry allowed Ranulf to create changes in the judicial circuits or ordered him to execute such alterations, it is interesting that Glanville merited such confidence from the king. Ranulf modified Henry's plans by splitting his group into two committees of three persons each and by rearranging the counties to be visited. He, Godfrey de Luci, and their associates dispensed justice in the counties of Stafford, Oxford, Worcester, Hereford, Nottingham, and Derby.⁷⁴ Along with

71 'Richard fitz Neal and the Dialogus de Scaccario', *English Historical Review* 43 (1928) 330; *Gesta Henrici* 1. 238. De Luci retired to the monastery of Lesnes, which he had established in 1178; there he remained in seclusion until his death in July 1179.

72 *Gesta Henrici* 1. 238-39; Stubbs, *Historical Introductions*, p. 135.

73 Ralph de Diceto, *Historical Works*, ed. William Stubbs, 2 vols. (RS 68; London, 1876), 1. 436, who also wrote that Henry employed the three bishops as checks on the laymen so that equal treatment would be afforded to all who requested justice.

74 *PR* 26 *Henry II*, pp. 13, 26, 78-80, 117-18, 137-38.

Godfrey, Hugh de Gaherst, and others, Glanville traveled through Yorkshire;⁷⁵ he also headed the section that heard pleas in Shropshire.⁷⁶ Some of the preceding counties visited by Ranulf and his companions had not been in the original schedule organized by Henry. Moreover, they did not go to some of the counties which comprised units of their own northern route.

Whether these judicial responsibilities implied that Glanville already occupied the justiciarship is uncertain. Roger of Howden provided 1180 as the date for Ranulf's appointment to the justiciarship;⁷⁷ Henry sailed for France and left him as viceroy. Prior to his return to England in 1178 the king had been cognizant of de Luci's desire for retirement. It seems likely that the logical time for a change of justiciars would have been in late September after the Exchequer had met; and the evidence of the Exchequer accounts for the next fiscal year ending Michaelmas 1179 supports such a conclusion.⁷⁸ Indeed, Glanville in 1179 headed one of the four new judicial circuits established at that time by Henry; and he was the only layman. He also perambulated actively through several shires as justice. In February 1180 Glanville, with the three bishops, attended the Council of Oxford, at which time the king devised his plans for a new currency.⁷⁹ And Ranulf sat as one of the members of the new *curia regis in banco*. Glanville may not have been officially named as justiciar until 1180, but he no doubt already held the office. As Dr. West has written: 'Glanville's position in 1179, if it did not indicate that he was already justiciar, certainly indicates that he had succeeded to de Luci's position as the layman associated with the king's intimate counsellors.'⁸⁰

Thus Ranulf de Glanville, an East Anglian prominent in shire affairs, became justiciar in 1179. His success is not unlike that of other career officials in Henry II's government. He had come from a non-baronial background but industry and

⁷⁵ *ibid.*, pp. 67-68.

⁷⁶ *ibid.*, p. 10.

⁷⁷ *Chronica magistri Rogeri de Houedene*, ed. William Stubbs, 4 vols. (RS 51; London, 1868-71), 2. 215.

⁷⁸ Charles E. Lewis, *The Justiciarship of Hubert Walter, A.D. 1194-1198* (Diss. Mississippi State University, 1964), p. 7.

⁷⁹ *Gesta Henrici* 1. 263.

⁸⁰ West, *Justiciarship in England*, p. 56. Cf. Young, *Hubert Walter*, pp. 3-4 n. 1, who suggests that 1178 might have been the date for Glanville's appointment. Professor Young accepts 1178 as the date for a charter included in *Cartae antiquae Rolls 11-20*, pp. 55-57, in which there are the words 'Rannulfus de Glanvill' qui tunc fuit Justiciarius in Regis'. Since the word obviously means justiciar, Ranulf's appointment should date to 1178. Cheney, *Hubert Walter*, p. 19 n. 1, believes the charter to have been dated incorrectly, and that it belongs to October-December 1181 (assigned by R. W. Eyton). I agree with Cheney, because for Ranulf to have been titled 'Justiciarius' in 1178, when de Luci still had not officially resigned, seems illogical. The charter rightly should be assigned to the year 1181.

fidelity in first county and then national concerns had impressed his sovereign. No doubt the local eminence achieved by his familial predecessors helped to bring him to the king's attention. Expertise acquired as sheriff, justice, diplomat, and local landlord combined with a remarkable energy made him desirable for royal service. His talent for taking advantage of a situation, plus a little luck, furthered his career. The fortuitous capture of the Scottish monarch in 1174 during the northern revolt, more than anything else, greatly enhanced his position with the king. Additionally, the continued competence which Glanville exhibited in the succeeding years verified Henry's confidence in him. Therefore in 1179 he chose Ranulf, an experienced and faithful servant, as his *alter ego*. And the rapport which the two men developed helped the justiciary reach new heights; and Ranulf would earn the sobriquet 'the king's eye' from the chronicler Richard of Devizes.⁸¹

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81 *Chronicle* in *Chronicles ... of Stephen, Henry II, and Richard I* 3. 385.

THE SCRIPTORIUM OF BURY ST. EDMUNDS IN THE THIRD AND FOURTH DECADES OF THE TWELFTH CENTURY: BOOKS IN THREE RELATED HANDS AND THEIR DECORATION*

Elizabeth Parker McLachlan

THE abbey of Bury St. Edmunds has long provided fertile ground for historians. Extensive accounts have been published of its history, its feudal and economic rôle, and its relations with the borough of St. Edmunds, which it effectively dominated until the Dissolution.¹ Recently its famous fifteenth-century

* This study has developed from part of Chapter 3 of my doctoral dissertation, *The Scriptorium of Bury St. Edmunds in the Twelfth Century* (Courtauld Institute of Art, University of London, 1965), completed under the supervision of the late Professor Francis Wormald, to whom I owe a lasting debt of gratitude for his exacting and patient instruction. Thanks and appreciation are also due to Dr. J. Reginald O'Donnell of the Pontifical Institute of Mediaeval Studies in Toronto, who read and commented on an early draft, and to Rodney M. Thomson of the University of Tasmania, with whom I have exchanged *Buriana* for many years and who has made suggestions which were of considerable use in this essay; and to many librarians and library staff members, notably those of the Index of Christian Art and the Marquand Library at Princeton University; the Palaeography Room of the Senate House Library, University of London; the Conway Library of the Courtauld Institute of Art; the Warburg Institute; Corpus Christi, Pembroke, and Trinity College Libraries, Cambridge; the Houghton Library, Harvard University; the Chester Beatty Library, Dublin; the Department of Manuscripts of the British Library. Particular thanks are due to Dr. R. W. Hunt, Mr. W. O. Hassall, and Dr. A. C. de la Mare of the Bodleian Library, Dr. J. J. G. Alexander of the University of Manchester, M^{me} Suzanne Martinet of the Bibliothèque Municipale de Laon, Miss Jean Preston formerly of the Huntington Library in San Marino and now at the Firestone Library in Princeton, Mr. John Plummer of the Pierpont Morgan Library in New York, and the staff of the Manuscript Room of the Cambridge University Library, for special help in gaining access to manuscripts mentioned in this study or to information concerning them.

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1 See, for example: W. O. Dugdale, *Monasticon Anglicanum* 3 (London, 1846), pp. 98 ff.; T. Arnold, ed., *Memorials of St. Edmund's Abbey*, 3 vols. (RS 96; London, 1890-96); Lord Francis Hervey, ed., *The History of King Eadmund the Martyr and the Early Years of His Abbey* (Oxford-London, 1929); A. Goodwin, *The Abbey of St. Edmundsbury* (Oxford, 1931); D. C. Douglas,

librarian, author of an early union catalogue of manuscripts in the British libraries of his day, and for long mistakenly known as 'Boston of Bury', has been identified,² and several studies of manuscripts formerly the property of St. Edmund's Abbey have been published or planned.³ Within the last decade, two in particular of the abbey's more splendid manuscripts have become familiar, through the medium of anthologies and textbooks designed for wide as well as specialized readership,⁴ to many who know little or nothing about the abbey itself or its other manuscripts. This interest in Bury and its books seems likely to continue, and while the essay by M. R. James, *Bibliotheca Buriensis*, remains, with its companion essay *On the Abbey Church of St. Edmund at Bury*,⁵ a standard work of reference on the subject, containing nearly all the available primary material concerning the history of the abbey library and buildings,⁶ it seems

Feudal Documents from the Abbey of Bury St. Edmunds (London, 1931); M. D. Lobel, *The Borough of Bury St. Edmunds* (Oxford, 1934); R. H. C. Davis, 'The Monks of St. Edmund', *History* 40 (1955) 227-39; A. Gransden, ed., *The Chronicle of Bury St. Edmunds 1212-1301* (London-Edinburgh, 1964).

2 Richard H. Rouse, 'Bostonus Buriensis and the Author of the *Catalogus Scriptorum Ecclesiae*', *Speculum* 41 (1966) 471-79.

3 See C. M. Kauffmann, 'The Bury Bible (Cambridge, Corpus Christi College, MS. 2)', *Journal of the Warburg and Courtauld Institutes* 29 (1966) 60-81; E. Parker, 'A Twelfth-Century Cycle of New Testament Drawings from Bury St. Edmunds Abbey', *Proceedings of the Suffolk Institute of Archaeology* 31 (1969) 263-302; R. M. Thomson, 'Early Romanesque Book-Illustration in England: The Dates of the Pierpont Morgan "Vitae Sancti Edmundi" and the Bury Bible', *Viator* 2 (1971) 211-25; idem, 'The Library of Bury St. Edmunds in the Twelfth Century', *Speculum* 47 (1972) 617-45; J. J. G. Alexander, ed., *A Survey of Manuscripts Illuminated in the British Isles*, vol. 3: C. M. Kauffmann, *Romanesque Manuscripts 1066-1190* (London-Boston, 1975), cat. nos. 34 (Morgan *Vitae sancti Eadmundi*), 35 (Pembroke College, Cambridge MS. 120), 56 (Bury Bible); E. Parker McLachlan, 'The Pembroke College New Testament and a Group of Unusual English Evangelist-Symbols', *Gesta* 14 (1975) 3-18. I have also just completed a study, to be published shortly, of the mid-twelfth-century Bury manuscripts which reflect the influence of Master Hugo's style on the Bury scriptorium.

4 The Bury Bible, for example, has recently become familiar to scores of undergraduates and other general readers through its illustration in H. de la Croix and R. G. Tansey, eds., *Gardner's Art through the Ages*, 5th edition (New York-Chicago, 1970), colour pl. 9-2; J. Beckwith, *Early Medieval Art* (London-New York, 1964), pl. 186; G. Zarnecki, *Romanesque Art* (New York, 1971), pl. 196. The *Vitae sancti Eadmundi* is also illustrated in Beckwith (pl. 184) and in recent years both the manuscript itself and a set of superb life-sized coloured transparencies have been exhibited in the Morgan Library in New York; cf. *Mediaeval and Renaissance Manuscripts. Major Acquisitions of the Pierpont Morgan Library, 1924-1974* (New York, 1974), cat. 13.

5 M. R. James, *On the Abbey of St. Edmund at Bury*, part 1: *Bibliotheca Buriensis* and part 2: *On the Abbey Church of St. Edmund at Bury* (Cambridge Antiquarian Society, Octavo Publications 28; Cambridge, 1895).

6 For the actual archaeology of the abbey site, see A. B. Whittingham, 'Bury Saint Edmunds Abbey. The Plan, Design and Development of the Church and Monastic Buildings', *Archaeological Journal* 108 (1951) 168-87 and plan opp. 192; for a recent assessment of its international influence see J. Bony, 'The Façade of Bury St. Edmunds: An Additional Note' in M. Meiss, ed., *Studies in Western Art*, vol. 1: *Romanesque and Gothic Art* (Acts of the [20th] International Congress on the History of Art, New York, 1961; Princeton, 1963), pp. 105-107, pl. XXX.

worthwhile to present in more detailed and accessible form an introduction to the products of the Bury scriptorium in the first half of the twelfth century, the period when the greatest Bury manuscripts were copied and illuminated.

First, the term itself, 'Bury manuscript', should be clarified. In dealing with the history of particular manuscripts, one must avoid confusion between the related questions of *origin* and *provenance*. Most recent studies of Bury books, in particular the valuable survey of the Bury library by R. M. Thomson,⁷ have been concerned with books of proven Bury provenance, i.e. manuscripts which, by means of *ex libris* inscriptions, pressmarks, or other internal evidence may be shown to have belonged at some time to the abbey of Bury St. Edmunds.⁸ This study, on the other hand, is designed to establish criteria of script, decoration, and other elements which distinguish manuscripts of certain groups that originated, i.e. were actually made, at Bury St. Edmunds, even though they may show no marks of Bury ownership, and may even have belonged to the library of some other foundation.

The sheer mass of available evidence at first somewhat obscures the question of Bury origin. Well over 100 twelfth-century manuscripts survive that may be said on good evidence to have been owned by the abbey in the Middle Ages.⁹ Other manuscripts, notably the Chronicle of St. Neots, bear no sign of Bury ownership and are not included in reconstructions of the Bury library catalogue but would appear, on the basis of their script or other internal evidence, to have been made there.¹⁰ In cases such as that of Christ Church, Canterbury, where a large number of manuscripts of remarkably homogeneous style survive, many still in their home library,¹¹ it is relatively simple to set criteria for determining whether or not a given manuscript actually originated in the scriptorium of the monastery in question. Again, it becomes somewhat more difficult in the case of a foundation like Bury St. Edmunds, whose library was completely dispersed, albeit some of it in large parcels, by the time of the Dissolution, and much of it

⁷ See above, n. 3.

⁸ On this general subject see, for example, F. Madan, 'The Localization of Manuscripts' in H. W. C. Davis, ed., *Essays in History Presented to R. L. Poole* (Oxford, 1927), pp. 5-29; N. Denholm-Young, *Handwriting in England and Wales* (Cardiff, 1954), chap. 5; N. R. Ker, *Medieval Libraries of Great Britain*, 2nd edition (London, 1964), pp. vii-xxiii; for Bury in particular, *ibid.*, p. 16.

⁹ For handlists see James, *Bibliotheca Buriensis*; *idem*, 'Bury St. Edmunds Manuscripts', *English Historical Review* 41 (1926) 251-60; Ker, *ibid.*, pp. 16-22; E. Parker, *The Scriptorium of Bury St. Edmunds in the Twelfth Century* (Diss. Courtauld Institute of Art, University of London, 1965), pp. 279-344; Thomson, 'The Library', esp. 618 n. 3.

¹⁰ For the Chronicle of St. Neots, see below, n. 24. Another such manuscript is Hereford, Cathedral Library MS. 0.6.8 (see Thomson, 'The Library', 618, 634).

¹¹ See C. R. Dodwell, *The Canterbury School of Illumination* (Cambridge, 1954); N. R. Ker, *English Manuscripts in the Century after the Norman Conquest* (Oxford, 1960), pp. 25-32, and *Medieval Libraries*, pp. 29-40.

well before that time. Nor was there at Bury that uniformity or kinship of highly characteristic script that one finds, for example, at Monte Cassino or Canterbury.¹² Bury's book production was not in the first place of the same highly consistent style or excellence, nor distinguished by the same quantity of elaborate illuminated decoration, as that of Canterbury or Winchester. Several books of remarkable quality and artistic interest were, however, produced at Bury in the first half of the twelfth century: the artist of one of these, the 'Bury Bible',¹³ we know to have been a lay professional, one Master Hugo, employed by the abbey for this and other projects.¹⁴ Another manuscript of somewhat earlier date, the *Libellus* of the Passion and Miracles of St. Edmund, the *Vitae sancti Eadmundi* in the Pierpont Morgan Library in New York, contains a series of thirty-three full-page miniatures by a close follower of the Master of the St. Albans Psalter,¹⁵ again, apparently, a professional whose services were engaged for this one project; his hand is not found in any other surviving Bury manuscript, nor is that of the artist of its illuminated initials.

Books such as these, important and influential as works of art in their own right, tend all too often to be viewed as isolated masterpieces. Certainly, in the case of both manuscripts mentioned above, the quality of the illumination lifts them high above the artistic plane of other surviving Bury books, whose decoration is by other hands and with few exceptions undistinguished at best.¹⁶ Since the actual genesis of these luxury manuscripts in the scriptorium of the abbey of St. Edmund has occasionally been questioned, it is important to establish means of determining whether or not any given manuscript was actually written and decorated in the Bury scriptorium, in the period with which we are concerned. Little can be said with any degree of real certainty on the subject of the typical Bury product in the earlier years of the abbey's existence.¹⁷ In the third and fourth decades of the twelfth century, however, there appears to have been an upsurge in the production of books and works of art at the abbey under the patronage of Abbot Anselm of St. Saba (1121-48).¹⁸ Certain scribal hands from

12 For Monte Cassino, see E. A. Lowe, *The Beneventan Script* (Oxford, 1914) and *Scriptura Beneventana*, 2 vols. (Oxford, 1929); for Canterbury, references in n. 11 above.

13 Corpus Christi College, Cambridge MS. 2. For bibliography see Kauffmann, 'The Bury Bible' and *Romanesque Manuscripts* as cited in n. 3 above.

14 *Gesta sacristarum*, cited and discussed in Kauffmann, 'The Bury Bible', 63-64.

15 New York, Pierpont Morgan Library MS. Morgan 736. For the most recent discussion see Kauffmann, *Romanesque Manuscripts*, cat. 34, pp. 73-74.

16 Compare, for example, the rather charming Pembroke College, Cambridge MS. 16 (*ibid.*, cat. 57, p. 90 and ill. 154, 156, 157) with the less accomplished, but more typical, Pembroke College MS. 78 (*ibid.*, cat. 58, p. 90, ill. 158).

17 For the state of research on the early Bury library see Thomson, 'The Library', 621-24.

18 *ibid.*, 630-31 for bibliography and the most recent assessment of his impact on the Bury library.

this period may be singled out and matched in a number of manuscripts, and certain characteristic forms of decoration occur, the latter continuing in some degree into works of the second half of the century. These 'typical' Bury manuscripts comprise a group whose virtues, although modest, are distinct and deserving of recognition; and they suggest a matrix into which may be fitted, among others, both the great Bible of Master Hugo and the Morgan *Vitae sancti Eadmundi*, the former by its rubricated decorations and display script, the latter by the hand of its main scribe, which is convincingly bound to the larger product of the twelfth-century Bury scriptorium.

Among manuscripts of Bury origin from the second quarter of the twelfth century may be singled out 'families' which not only have the characteristic forms of ornament discussed below, but in which part or all of the text is written in one of two distinctive Bury hands. These are the only individual handwritings, among more than 100 manuscripts, which have so far been isolated and matched to any degree among twelfth-century Bury manuscripts. To the first and most distinctive family, first pointed out by T. A. M. Bishop,¹⁹ I have added one further example. And to this group, which includes the richly illuminated *Vitae sancti Eadmundi*, dated recently by R. M. Thomson to c. 1124 on quite convincing grounds,²⁰ may be appended a sub-group of books containing handwriting similar, but not identical, to that of the first scribe. These might well be the work of several students of a main scribe or writing master: they partake of elements of the first hand, but may not with any degree of credence be assigned directly to it. Both display distinctive forms of rubricated initial decoration in coloured inks, which characterize many other manuscripts of Bury provenance and help to confirm their identification as works of Bury origin. Taken together, these two groups — let us call them A and B — form the largest homogeneous collection of Bury works from the first half of the twelfth century.

MANUSCRIPTS IN GROUP A:²¹

- (1) Cambridge, Pembroke College MS. 12, Claudius Clemens, *Super Matthaem*, fols. 1-33.²² (pl. IV a, b)

19 'Notes on Cambridge Manuscripts, Part I', *Transactions of the Cambridge Bibliographical Society* 1 (1949-53) 432-33.

20 'Early Romanesque Book-Illustration' (see above, n. 3).

21 Folio or page numbers are given only when the entire manuscript is not by the same hand.

22 M. R. James, *A Descriptive Catalogue of the Manuscripts in the Library of Pembroke College, Cambridge* (Cambridge, 1905) [hereafter referred to as *Pembroke Catalogue*], p. 11.

- (2) Cambridge, Pembroke College MS. 15, St. Gregory, *Moralia in Iob*, books 27-35.²³
- (3) Cambridge, Trinity College MS. R.7.28 (770.i), *Chronicon fani sancti Neoti*, pp. 1-18.²⁴
- (4) New York, Pierpont Morgan Library MS. Morgan 736, the Passion and Miracles of St. Edmund or *Vitae sancti Eadmundi*, fols. 23-100v. (pl. I a)
- (5) Oxford, Bodleian Library MS. e Mus. 112, St. Jerome, *Commentarius super Matthaeum* and St. Anselm, *De libero arbitrio*, *De concordia praescientiae* and *De conceptu virginali*, pp. 1-312.²⁵

MANUSCRIPTS IN GROUP B:

- (1) Cambridge, Corpus Christi College MS. 135, St. Anselm, *Epistolae CCLXVII* and *Meditatio de aeterna beatitudine* etc., fols. 1-155, except for insert after fol. 101.²⁶
- (2) Cambridge, Pembroke College MS. 18, St. John Chrysostom, *Homiliae in evangelium Matthaei* and *Super epistolam b. Pauli*.²⁷
- (3) Cambridge, Pembroke College MS. 42, St. Ambrose, *Epistolae* etc., fols. 1-18v.²⁸

²³ *ibid.*, p. 13, and N. R. Ker, 'The English Manuscripts of the *Moralia* of Gregory the Great' in A. Rosenauer and G. Weber, eds., *Kunsthistorische Forschungen Otto Pächt zu Ehren* (Salzburg, 1972), pp. 78, 79, 85 and fig. 6.

²⁴ As Bishop ('Notes on Cambridge MSS. I', 432-33) notes, this provides interesting confirmation of the opinion expressed by W. H. Stevenson, in his edition of *Asser's Life of Alfred, Together with the Annals of St. Neots Erroneously Ascribed to Asser* (Oxford, 1904), pp. 97 ff., that the text of the St. Neots Chronicle, because of its emphasis on East Anglian saints, must have originated at Bury. Written in several closely related Bury hands, this version, the only surviving copy, may well have been the original and only one. How and when it travelled to the priory of St. Neots is a mystery upon which no clear light can here be shed. However, it is interesting to note in this connection that at the time of the election of Abbot Samson in 1181, King Henry II required that the delegation of Bury monks sent to Waltham name three persons of other houses, as well as six from St. Edmund's Abbey, to stand for election to the abbacy of Bury. Of these, one was 'Master H. [Prior] of St. Neots, a man highly religious, and very circumspect' Jocelin does not, however, state that Master H. was actually present at Waltham with the Bury monks: see *Chronicon Jocelini* in Arnold, *Memorials* 1. 228. See also M. R. James, *The Western Manuscripts in the Library of Trinity College, Cambridge: A Descriptive Catalogue* 2 (Cambridge, 1901), pp. 319-20.

²⁵ See O. Pächt and J. J. G. Alexander, *Illuminated Manuscripts in the Bodleian Library, Oxford*, vol. 3: *British, Irish, and Icelandic Schools* (Oxford, 1973), no. 106, p. 13, pl. X. The *ex libris* inscription, quoted there, mentions prior Baldwin whose term Thomson ('Early Romanesque Book-Illustration', 213, 224-25) has established as having ended c. 1125-26; this establishes a *terminus ante quem* for the commissioning of MS. e Mus. 112.

²⁶ M. R. James, *A Descriptive Catalogue of the Manuscripts in the Library of Corpus Christi College, Cambridge* 1 (Cambridge, 1912), pp. 308-309; Bishop, 'Notes on Cambridge MSS. I', 433, identifies it as the same hand as pp. 19-74 of Trinity College MS. R.7.28.

²⁷ James, *Pembroke Catalogue*, pp. 15-16.

²⁸ *ibid.*, pp. 41-42.

- (4) Cambridge, Trinity College MS. R.7.28 (770.i), *Chronicon fani sancti Neoti*, pp. 19-74.
- (5) London, British Library Cotton Charter xxi.6.²⁹
- (6) London, British Library MS. Egerton 3776, St. Jerome, *Commentarius in Jeremiam prophetam* and *Commentarius in Ezechielem*.³⁰
- (7) London, Lambeth Palace MS. 67, Boethius, *De musica* and *De arithmetica*, fols. 92-94.³¹
- (8) Oxford, Bodleian Library MS. Bodley 297, Florence of Worcester, *Chronicon*, with additions, p. 72.^{31a}
- (9) Oxford, Bodleian Library MS. Bodley 737, 'Haymo' (actually Anselm of Laon), *Expositio psalterii*, fols. 1-188v.³²
- (10) Oxford, Bodleian Library MS. e Mus. 27, Ambrose, *Libri ... in expositionem evangelii beati Lucae evangelistae*, pp. v-20.³³
- (11) Oxford, Bodleian Library MS. e Mus. 36, Ps.-Bede, *Commentarius in Genesim, Exodum, Leviticum, Numeros, Deuteronomium*, pp. 1-170 and 170-264: two similar hands.³⁴ (pl. III a)
- (12) Oxford, Bodleian Library MS. Lat. th. c. 26, a miscellany: a hand of Group B wrote part of St. Isidore, *De divinitate*, fols. 32-48v.³⁵
- (13) San Marino, Calif., Henry E. Huntington Library MS. HM 31151, St. Augustine, *Libri IV contra epistolas Iuliani et aliorum de heresi Pelagiorum* (sic), *Sermo Arrianorum*, *Contra istam Arrianorum perfidiam*, *Contra adversarium legis et prophetarum*, *De genesi contra Manicheos*, *Contra Pelagianos et Celestianos hereticos hypponosticon*, *Contra Pelagianos de praedestinatione divina*, and *Contra Felicianum Arrianum*, fols. 1-138v.³⁶

²⁹ See D. Whitelock in n. 3 to the new edition of W. H. Stevenson, *Asser's Life of Alfred* (Oxford, 1959), p. cxli. I owe this addition to information supplied by Mr. R. M. Thomson.

³⁰ Formerly in the collection of Dr. E. G. Millar and sold to the British Museum in 1965. See D. H. Turner, 'From the Library of Eric George Millar', *British Museum Quarterly* 30 (1966) 80-88, esp. 81-84; and idem, in the Exhibition Commemorative volume, *The Eric George Millar Bequest of Manuscripts and Drawings 1967. A Commemorative Volume* (London, 1968), p. 10, no. 11.

³¹ M. R. James, *A Descriptive Catalogue of the Manuscripts in the Library of Lambeth Palace* 1 (Cambridge, 1930), pp. 106-108.

^{31a} T. A. M. Bishop, as cited by Whitelock (see above, n. 29). I have not been able to examine the page myself since discovering this attribution. The illustration of the Crucifixion on p. 71, unfinished and in part redrawn by a later hand, reflects the style of the Bury Bible: see Pächt and Alexander, *Illuminated Manuscripts* 3, no. 167, p. 19, pl. XVII.

³² Pächt and Alexander, *ibid.*, no. 135, p. 16. See also Thomson, 'The Library', 635 n. 113.

³³ Pächt and Alexander, *ibid.*, no. 100, p. 12 and pl. IX.

³⁴ *ibid.*, no. 137, p. 16 and pl. XV.

³⁵ Bodleian Library, typescript *Summary Catalogue of Western MSS. in the Bodleian Library at Oxford. Accessions of Mediaeval Manuscripts from 1916-1964*.

³⁶ ex Dublin, Coll. A. Chester Beatty, MS. W. 26. See Sotheby & Co., Sale Catalogue, 3 December 1968, Lot 6, pp. 26-27 and pls. 8, 9; also E. G. Millar, *The Library of A. Chester*

In its even roundness, the handwriting in these two groups reflects the Carolingian tradition known and possibly practised at Bury until very shortly before this period.³⁷ It is admirably clear and makes a very attractive page. 'Scribe A' appears also to have a penchant for writing in long lines across small pages: of the five manuscripts in this group, three³⁸ are of octavo size and written in long lines, an archaic format otherwise rare among surviving Bury manuscripts of the period. Capital letters within the text in Groups A and B are sturdy and made with broad strokes. Although their forms vary considerably, certain characteristic shapes do occur often, especially a capital *Q* standing well above the line and supported on its tail, which may or may not be serified. A capital *A* *ℒ* found on fol. 1 of MS. e Mus. 112 in Oxford is also characteristic.

In the minuscule alphabet there are a number of characteristic letter forms, among them an *a* with the top stroke markedly tall when found at the beginning of a word, but almost non-existent in the medial position, while a superscript *a* shows no top loop at all. Minuscule *b*, *d*, *p*, *q* and other letters with ascenders or descenders have a triangular thickening at the end of a stroke and a definite serif set at an angle to it. The cross-stroke in *e* minuscule is tilted at an angle of about 45 degrees to the horizontal and is prolonged noticeably at the end of a word. For *ae*, the 'tagged *e*' is used and consists of an oval loop attached diagonally, with ends slightly apart, to the bottom curve of the *e*. From the lower end of this loop there generally trails a short hairline, the occasional absence of this feature indicating that the loop was made with a single stroke of the scribe's pen, and the hairline added with a second.

Minuscule *g* is made up of two fat, closely connected loops, the lower one slightly larger than the upper. The top, right-hand strokes of *r* and *x* display a peak, followed by a convex dip, thus: *~* which adds a not unpleasant 'thorny' quality to the writing. Round and tall *s* are equally popular at the end of a line, but tall *s* is used almost exclusively otherwise, while minuscule *t* in the terminal position shows a strongly bias serif projecting above and below the end of its horizontal stroke. Like the tail of the tagged *e*, the longer stroke of the *x* minuscule curves downward to the left in a generous curl, often closing around the base of the letter preceding it. A terminal *n* is frequently capitalized in Roman form.

Beatty: A Descriptive Catalogue of the Western Manuscripts 1 (1927), pp. 96-97, pl. LXXIV.

37 Thomson, 'The Library', 621-27.

38 MSS. Morgan 736, Trinity College, Cambridge R.7.28, and Bodleian e Mus. 112 are written in long lines, while Pembroke College MSS. 12 and 15 are larger and written in double columns. Manuscripts of the genre of Morgan 736 were of course generally small: see F. Wormald, 'Some Illustrated Manuscripts of Lives of the Saints', *Bulletin of the John Rylands Library, Manchester* 35 (1952) 248-66.

Ligatures of *st* and *ct* are comparatively rare, and when they do occur the letters are joined only at their tops. Occasionally, however, the ligature *ſ* of *n* and *t* is found at the end of a line.³⁹ The usual contraction mark for general abbreviations is deeply cupped, the right end tilted slightly higher than the left and ending in a little knob. For *et* the ampersand is generally used, and is characterized by a sort of trough-shaped serif, formed by a short, broad stroke meeting the upper free stroke just back from its tip. *Est*, while often written out in full by this scribe, appears often too as the insular *nota* *z* and also as *ē*. The ending *-bus* is represented by *b* and a 3-shaped sign with a long tail sloping back to the left, while *-que* is signified by a semicolon following the *q*, the *virgula* in this case having a short tail which may meet, but does not cross, the descender of the *q*. Although the abbreviation *or* for *-orum* is found occasionally, the form *or* is much more common, with the *ſ* commonly rather lower than the normal minim height. A figure *u*, tightly looped and tilted to the left, replaces the *r* of *-ur*, and the 9-shaped sign for *-us* is a generous curl, slightly open and apparently made with a single stroke of the pen.

The manuscripts of Group B contain variants of this hand which share its distinctive rounded look and exhibit characteristics both typical and atypical of the handwriting of scribe A. While some are so close as almost to be attributable to the same hand, others diverge more radically from the norm; but they all contain samples of handwriting similar enough to each other and to the writing of Hand A to suggest that they were produced by scribes trained in the same scriptorium and at roughly the same period — in this case the Bury scriptorium of the 1120's and early 1130's.

A third family of Bury manuscripts — for convenience, Group C — may also be established, and like those in Group A they are distinguished by the appearance of a single, highly consistent hand. They are approximately contemporaneous with Groups A and B and indeed overlap at some points,⁴⁰ while decorations in the same style are found in members of Groups A and C.⁴¹ Group C contains the following manuscripts, each written wholly or in part by the same scribe.

MANUSCRIPTS IN GROUP C:

- (1) Cambridge, Pembroke College MS. 42, ff. 19-148v, St. Ambrose, *De bono*

39 e.g. Morgan MS. 736, fol. 78r, line 16.

40 Lambeth Palace MS. 67 contains writing from Groups B and C, as does Pembroke College, Cambridge MS. 42.

41 See below, p. 345.

*mortis, Sermo de observantia episcoporum, and Epistolae.*⁴²

(2) Cambridge, Pembroke College MS. 95, Origen, *Super Vetus Testamentum, Expositio in librum Iudicum, Homiliae in Regnorum de Elchana et Jeremia, etc., Homiliae in Cantica Canticorum, in Isaïam, in Jeremiam, in Ezechielem.*⁴³

(3) Cambridge, Mass., Harvard University, Henry Houghton Library MS. W. K. Richardson 26, St. Augustine, *De pastoribus et ovibus libri duo, De baptismo aduersus Donatistas libri VII, De baptismo paruulorum libri II, Epistola Augustini ad Marcellinum, De unico baptismo liber unus, De spiritu et littera liber unus, Augustini sententiae III ex Retractationibus.*⁴⁴ (pl. I b)

(4) Laon, Bibliothèque Municipale MS. 238, a Missal, except fols. 74-76.⁴⁵ (pl. IV c, d)

(5) London, Lambeth Palace MS. 67, Boethius, *De arithmetica* and *De musica*, all except fols. 92-94.⁴⁶ (pl. III b)

(6) Oxford, Bodleian MS. e Mus. 9, *Liber ... super epistolas Pauli*, there attributed to Bede but actually abstracts from St. Augustine.⁴⁷ (pl. II)

One other fragment, although it does not exhibit quite so strongly the palaeographical characteristics which distinguish the manuscripts of Group C, is closely enough related to them to merit attention:

(7) Cambridge, University Library Add. MS. 4406(1), four folios recovered from the binding of Add. MS. 3116 D, Cassiodorus, *Super Psalmos.*⁴⁸

The handwriting in these manuscripts is uniform and attractive, its letters of a slightly more upright shape than those in the round-hand groups. Minuscule *g* normally shows a rounded lower loop, somewhat less tightly closed than that of the same letter in the hand of Group A. In the abbreviations for *ae*, the minuscule *e* is tagged sometimes with an open, rather angular cedilla which trails

⁴² See above, p. 333 and n. 40.

⁴³ James, *Pembroke Catalogue*, pp. 88-89.





⁴⁴ ex Chester Beatty Collection, MS. W.25. The fullest description is still that in Millar, *Catalogue of the Western Manuscripts* 1.94-95, pl. LXXIII; cf. also the exhibition catalogue, *Illuminated and Calligraphic Manuscripts: An Exhibition Held at the Fogg Art Museum and Houghton Library* (Cambridge, Mass., 1955), cat. 9, pl. 6.

⁴⁵ E. Fleury, *Les manuscrits à miniatures de la Bibliothèque de Laon* 1 (Laon, 1863), pp. 106-107, pl. 21; V. Leroquais, *Les sacramentaires et les missels manuscrits des bibliothèques publiques de France* 1 (Paris, 1924), pp. 219-221; *Renseignements généraux*, typescript report of the Comité de Paléographie, Bibliothèque Nationale, prepared in 1959 and preserved at Laon; B. Blumenkranz, 'Géographie historique d'un thème de l'iconographie religieuse: les représentations de Synagoga en France' in P. Gallais and Y.-J. Riou, eds., *Mélanges offerts à René Crozet ... à l'occasion de son soixante-dixième anniversaire* 2 (Poitiers, 1966), p. 1154 and fig. 1; Thomson, 'The Library', 643 n. 167.

⁴⁶ See above, p. 336 and n. 40.

⁴⁷ Pächt and Alexander, *Illuminated Manuscripts* 3, no. 105, p. 13.

⁴⁸ Thomson, 'The Library', 618 n. 3.

far back to the left in a thin hairline, and sometimes with a closed looped cedilla terminating in a similar hairline tail. The semicolon, used with *q* as an abbreviation for *-que*, shows in the tail of the *virgula* the same tendency to trail back to the left, generally crossing well over the tail of the *q*. This rather exaggerated leftward movement is also to be seen in the 3-shaped abbreviation for *-bus* and in the downstroke of the short forms for *-orum*  and the less frequently used . The generous, slightly tilted serifs on the descenders of *q* and *p* minuscule also extend farther to the left than to the right. Another palaeographical feature contributing to the distinctive appearance of this hand is the frequent extension of the horizontal top-stroke of *t* or round *s* minuscule at the end of a line, thus: , , not only in rubrics, where such a form often occurs, but throughout the text. A superscript *s* is also used occasionally at the end of a line. These features coincide in each of the manuscripts of Group C and, taken in conjunction with the general appearance of the script and of the manuscripts themselves, are sufficient to confirm that all six examples were written by a single hand. Display script in the form of uneven uncial letters is found, in addition to the more normal minuscules or rustic capitals, in the Laon Missal, the Harvard Augustine, and Bodleian MS. e Mus. 9.

The script of Group C is a somewhat more advanced form of bookhand than that of Groups A and B. Its upright, oval shape is closer to the 'Gothic' forms, and further from the solid, squarish pre-Conquest script than are the rounded hands of the two earlier groups. This more advanced appearance has led Denholm-Young⁴⁹ to suggest for Bodleian MS. e Mus. 9 a date in the second half of the twelfth century. But the decorations of several of these manuscripts show a close kinship to members of Groups A and B, and the principal manuscript of the former, Morgan MS. 736, has been dated on internal evidence as early as 1124-25. Thomson has recently argued that the Laon Missal must date from shortly before the accession of Abbot Anselm of Bury in 1121,⁵⁰ while handwriting from both Groups B and C is found together in two manuscripts.⁵¹ Thus it seems more probable that the manuscripts in Group C, like those in A and B, were produced no later than the second quarter of the twelfth century.

Many other Bury manuscripts survive from this period and are more or less similar in appearance to Groups A, B and C, but their handwriting is not sufficiently uniform to warrant their inclusion as a fourth homogeneous group.

⁴⁹ Denholm-Young, *Handwriting in England and Wales*, pl. 10 and accompanying text. Pächt and Alexander, *Illuminated Manuscripts* 3, no. 105, p. 13, assign it to the second quarter of the twelfth century.

⁵⁰ Thomson, 'Early Romanesque Book-Illustration' and 'The Library'.

⁵¹ Lambeth Palace MS. 67 and Pembroke College MS. 42.

Generally speaking, most other Bury hands of the first half of the twelfth century resemble to a greater or lesser degree the rather upright script of Group C, and their sparse decoration is typical of the Bury rubricated initial or 'flat-foliate' style, which is well exemplified by the manuscripts of our three groups.

With the exception of the Morgan *Vitae sancti Eadmundi*, which has not only a cycle of full-page miniatures but also numerous historiated and ornamental initials in rich body colours in the text, most of the manuscripts in Groups A, B and C are modestly decorated indeed. There are a few initials in body-colour with birds and flowers, not unlike the purely ornamental initials of Morgan MS. 736, and one or two interesting but not particularly accomplished drawings, to which we shall return later. The most consistent element in the decoration of these manuscripts, however, is the series of more or less elaborate rubricated initials with unshaded leafy decoration in relatively transparent but brilliant primary colours, which appear as the main adornment at the beginning of some books⁵² and as subsidiary decoration in others.⁵³ Initials like these and their close relatives, the ornamental alphabets used as display script in larger books,⁵⁴ are relatively unspectacular and have in general been understandably neglected in favour of their richer and more interesting figured and illuminated rivals in studies of works from all English scriptoria.

One of the few writers on English manuscripts to pay more than token attention to these 'minor' initials has been R. A. B. Mynors, whose discussion of 'clove-curls', 'piped-I's', and other motifs common to Durham manuscripts⁵⁵ first started me upon a close examination of Bury initials, and a collection of similar ones as comparative material from other English scriptoria. In the twelfth century, the rubricated initials and display scripts of the various monastic writing schools were often both strikingly individual, and remarkably consistent in style over long periods, probably reflecting the use of a pattern book in the scriptorium. Certain motifs also would seem to appear in groups of monasteries linked

52 Pembroke College MSS. 18, 42, 95; Bodleian MS. e Mus. 9; San Marino MS. HM 31151.

53 Pembroke College MS. 12; Cambridge, Mass., Houghton MS. W. K. Richardson 26; Laon, Bibliothèque Municipale MS. 238; British Library MS. Egerton 3776; Lambeth Palace MS. 67; Bodleian MS. e Mus. 112.

54 See W. Oakeshott, *Sigena* (London, 1972), pls. 221-225 for examples of display script from the Bury Bible and other contemporary manuscripts.

55 R. A. B. Mynors, *Durham Cathedral Manuscripts* (Oxford, 1939), pp. 6-9. The 'piped I' and 'split daisy-petal' (*ibid.*, figs. c and d on p. 7 and pls. 38b, 44) also occur in a twelfth-century manuscript in Dublin, Trinity College MS. C.1.4, which once belonged to Kelso Abbey (Ker, *Medieval Libraries*, p. 105); there are a few instances of the 'split daisy-petal', although not in the same general context of ornamental vocabulary, in the Dover Bible (Corpus Christi College, Cambridge MS. 3), e.g. fols. 4, 9v. They occur also in the New Testament, Pembroke College MS. 120, which belonged to Bury in the later Middle Ages but was not made there (see McLachlan, 'The Pembroke College New Testament').

by geographical proximity, while others remain the sole property of a single abbey. While one cannot, perhaps, carry the application of such ornamental motifs to too great an extreme in locating manuscripts of unknown origin, my own study of the problem, admittedly still in its infancy, suggests that it may be more useful than has hitherto generally been realized.⁵⁶ Certainly, in the case of Bury manuscripts, a very distinctive style and one almost unique motif provide a useful touchstone, contrasting strongly with the style of minor initials and display scripts in products of other major English scriptoria of the period.

The true Bury 'minor initials' are painted in clear, flat colours among which red, green and blue are the most common, with some yellow or buff and very occasionally lavender or orange. Rarely is gold or silver used in these initials, and rarely are more than two or three hues used in the same initial. Except for wedge-shaped ornament on the thickened loops of the initials themselves, the Bury style shows a distinct preference for leafy designs over the more abstract geometric shapes seen in the products of some schools, such as St. Albans.⁵⁷ The Bury designs are generally made up of simple, lobed leaves and buds or groups of berries, logically and organically connected to one another and springing in graceful sprays from the end of a stroke, or from one or two points within the curve of a letter (for examples see p. 342 below). While less florid and imposing than the 'clove-curl' of some Durham manuscripts,⁵⁸ they are more robust and less mannered than many contemporary Canterbury examples⁵⁹ and to any close observer have a distinct and unmistakable flavour. In the larger and more elaborate examples, a profusion of foliate motifs may form interlocking rinceaux, but they remain always graceful, balanced, restrained in colour and controlled in movement.⁶⁰ A certain uniformity and sureness, and the appearance, even in less

56 Earlier collections, such as those made by Shaw and Westwood in the nineteenth century, tend to be eclectic and unspecific. In recent years, however, Miss Callard at the Bodleian Library has compiled a large and most useful collection of water-colour drawings of initials from manuscripts, mostly of known origin, in the Bodleian and other libraries. I am grateful to Mr. W. O. Hassall of the Department of Western Manuscripts for bringing her work to my attention.

57 No published examples from the early twelfth century are known to me, but good examples may be found in British Library Royal MSS. 2.B.iv and 13.B.v, while two characteristic types of initial from Reading Abbey are illustrated in Pächt and Alexander, *Illuminated Manuscripts* 3, nos. 148 (pl. XV) and 164 (pl. XVI). A typical St. Albans initial of the third quarter of the twelfth century is illustrated in W. Cahn, 'St. Albans and the Channel Style in England' in the Metropolitan Museum of Art, *The Year 1200: A Symposium* (New York, 1975), fig. 6 and pp. 188-89.



58 See above, n. 55.

59 See, for example, MS. Bodley 160 (Pächt and Alexander, *Illuminated Manuscripts* 3, no. 94, p. 12 and pl. IX) or that from Corpus Christi College, Cambridge MS. 4 illustrated in Oakeshott, *Sigena*, pl. 222.

60 See, for example, those reproduced in Millar, *Catalogue of the Western Manuscripts* 1, pls. LXXIII, LXXIV.

well-executed examples, that differences are due rather to the illuminator's lack of skill than to a dearth of good models or to a desire to experiment, suggests that from early in the twelfth century Bury scribes and rubricists followed a pattern book or set of examples, most likely produced in their own scriptorium.

The Bury patterns show occasional similarities to Ely initials, in particular a certain treatment of the uncial *E* found in Laon MS. 238 and in the Bury Bible,⁶¹ and in various Ely manuscripts;⁶² but other Ely motifs, in particular a leaf shaped like a hollow trumpet, are found nowhere in Bury products. In the same manner, the 'clove-curl' pattern which Professor Mynors describes as characteristic of a group of Durham manuscripts⁶³ appears in some Bury products of the second and third quarters of the twelfth century, but in direct connection with typical Bury leaf-forms and colours,⁶⁴ while none of the other contemporary Durham motifs, such as the whole clove-curl blossom, the split daisy-petal, or the piped-*I*, occur in certifiable Bury products. In this later period — approximately from the Bury Bible or the middle of the twelfth century on — there is a trend toward more deeply divided and feathery leaf-sections but the other shapes, the colours and the general effect of grace and organic balance remain constant.

And throughout the period Bury ornament retains one entirely characteristic hallmark, which I originally christened the 'cream-horn' because it looks, in most cases, very much like one of those rolled, cone-shaped pastries, thus:  (more frequent, but occasionally more like a button-hook, thus: ). This motif is used especially as a sort of bud, and persists throughout the life of the typical Bury rubricated initial style. While at least one example is found in nearly every manuscript decorated in this typical manner, the motif is virtually unknown outside the Bury school.⁶⁵ One would hesitate, on the ground of the presence of the 'cream-horn' alone, to declare a work to be a product of the Bury scriptorium; but taken as it generally appears in any case, among foliage of the appropriate style and colours and in manuscripts written in fairly typical hands, the 'cream horn' often provides the final evidence to confirm the origin of such a manuscript, while the presence of foliage in the wrong style, or without the

61 Laon MS. 238, fols. 1r, 2r; Corpus Christi College, Cambridge MS. 2, fols. 100v, 113v.

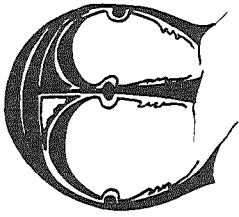
62 Trinity College, Cambridge MS. B.11.10, fols. 15v, 54v, 113r; Cambridge, University Library MS. L1.2.10, fols. 2v, 61v, 62r.

63 See above, n. 55.

64 Pembroke College MS. 18; British Library MS. Egerton 2782; Bodleian Library, MS. Bodley 297, p. 73.

65 With only one exception of which I am aware, the Cistercian *Legendary* in Dijon, Bibliothèque Municipale MS. 641, fol. 40v, where a somewhat similar motif is combined with some similar and some quite different elements (A. Watson, *The Early Iconography of the Tree of Jesse* [Oxford-London, 1934], pl. VI).

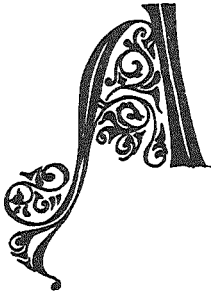
Typical Bury Initials from Groups A-C



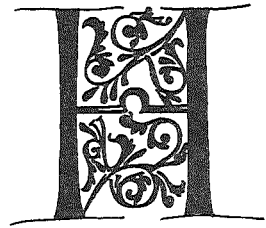
Laon, Bibliothèque Municipale MS. 238



Cambridge, Pembroke College MS. 12



San Marino, Calif.,
Henry E. Huntington Library MS. HM 31151

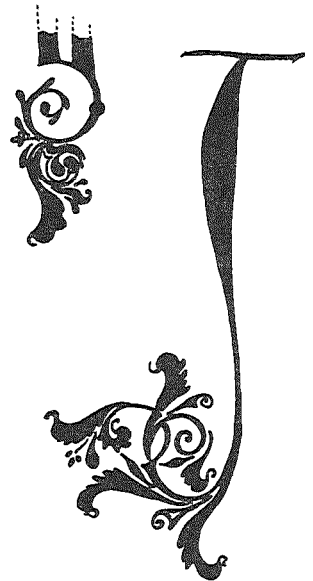


Cambridge, Pembroke College MS. 52

Bury Rubricated Initials of the Mid-twelfth Century



Cambridge, Corpus Christi College MS. 2
(‘Bury Bible’)



Cambridge, Pembroke College MS. 16

'cream-horn', may confirm doubts already raised by other evidence as to the actual origin of a manuscript insecurely attributed to the Bury school.

As far as more elaborate ornamentation is concerned, with the exception of Morgan MS. 736 the manuscripts of these three groups are not richly endowed, but there are a few pleasant initials and one intriguing drawing. Bodleian MS. e Mus. 112 has one initial *P* (fol. 1r) with blossoms and dragons, now badly damaged by damp but originally a fine piece of work, delicately executed in light brown ink outline and coloured in purple, pale green and scarlet against a ground of chalky blue. The blossoms have a plumpness suggestive almost of sculpture, and resemble those on the Prior's Doorway of Ely Cathedral, not far from Bury.⁶⁶ Pembroke College, Cambridge MSS. 12 and 15 also have fairly elaborate initials in body-colour: the two flowered letters at the beginning of Pembroke MS. 12 — less accomplished versions of the foliage style of MS. e Mus. 112 — have been executed by a heavy hand in dark colours and gold. On fol. 36r of Pembroke 15 is an initial *I*^{66a} in the form of a dragon with golden horns, its body lightly painted in the same colours as the initial of MS. e Mus. 112. This is the only ornament remaining in Pembroke 15: its opening folios and the beginnings of all the chapters except that on fol. 36r have been removed, but if they originally had initials of the same quality, the manuscript must once have been very attractively ornamented.

The books in Group B offer little decoration of major interest. On facing pages at the beginning of the Huntington Library's Augustine⁶⁷ are two half-effaced drawings of an archer and a king, apparently a sketch for a scene of the martyrdom of St. Edmund. Unfortunately both have been scraped and rubbed with pumice, so that little more is revealed even in photographs taken under infrared and ultraviolet light. What remains of the king's figure suggests that the drawing was executed in a style rather archaic for the date of the manuscript, and reminiscent of the coloured-ink illustrations of the eleventh-century Bury Psalter, MS. Vat. Reg. lat. 12.⁶⁸ Before its defacement, the king's figure was probably

⁶⁶ dating from the 1140's. See G. Zarnecki, *Early Sculpture of Ely Cathedral* (London, 1959), for example, pls. 50, 60, 68. The initial is reproduced in Pächt and Alexander, *Illuminated Manuscripts* 3, pl. X.

^{66a} Ker, 'The English Manuscripts of the Moralia of Gregory the Great', fig. 6.

⁶⁷ See above, n. 36.

⁶⁸ A selected bibliography of MS. Vat. Reg. lat. 12: *New Palaeographical Society, Facsimiles*, 2nd Ser., 2 (London, 1926), pls. 166-168a; R. M. Harris, *The Marginal Drawings of the Bury St. Edmunds Psalter* (Diss. Princeton, 1960); E. G. Millar, *English Illuminated Manuscripts from the Xth to the XIIIth Century* (Paris-Brussels, 1925), p. 15, pl. 20; M. Rickert, *Painting in Britain: The Middle Ages* (London-Baltimore, 1954), pp. 50-51, pl. 39; A. Wilmart, *Analecta Reginensia* (Studi e Testi 59; Vatican City, 1933); idem, *Codices Reginenses latini* 1 (Vatican City, 1937), pp. 32 ff.; idem, 'The Prayers of the Bury Psalter', *The Downside Review* 48 (1930) 198-216; F. Wormald, *English Drawings of the Tenth and Eleventh Centuries* (London, 1952), p. 79, pls. 26-28; idem, *English Kalendars before A.D. 1100* (Henry Bradshaw Society 72; London, 1934), pp. 240-51.

very like that of the Boethius initial on fol. 1r of Lambeth Palace MS. 67, described with Group C. Only the head of the archer was drawn in ink; his body, roughly sketched in plummet and now erased, is difficult to decipher. In any case, these do not appear to have been intended in any way as decorations of the text they precede. They most probably serve merely as another example of the common medieval custom of making use of any available blank sheet of parchment, no matter where, for sketches, *probationes pennae*, or other, usually extraneous, matter, and as indication that this archaizing style was still being practised after the production of the Huntington codex.

Another, considerably rougher, example of outline drawing is the initial *I* in ink on fol. 1r of MS. e Mus. 36 in Oxford, containing a seated Christ in Glory, the nude figures of Adam and Eve, and a dragon, a lion and two fish placed head-to-tail after the manner of zodiac signs.⁶⁹ The figure drawing is quite sketchy and the panels of the letter are strung together in an unusual, rustic fashion. The original intention may have been to paint it, for the miniatures in the Laon Missal and the dragon of Bodleian e Mus. 112, fol. 1 are very like it in style; the ink-outline initials in MS. e Mus. 27 were also almost certainly intended to be coloured, for a similar, smaller initial in King's College, Cambridge MS. 3 is covered in opaque body-colours⁷⁰ and the related initial *S* on fol. 1r of Corpus Christi College, Cambridge MS. 135 is partly coloured. The painted initial on fol. 3r of British Library MS. Egerton 3776 is also somewhat similar, although closer perhaps to those in Morgan MS. 736 which are surely the work of a professional illuminator.

With three exceptions, to be discussed below, the manuscripts of Group C are ornamented only with rubricated initials of typical Bury style. The cream-horn motif, if not in all cases prominent, is at least present in most, being distinguishable even in a badly rubbed initial *D* on fol. 77r of Laon MS. 238. In Pembroke College MS. 95, a number of the foliage-filled initials have remained unfinished, revealing what seem to be very full preliminary pencil-sketches.⁷¹ The foliage in this manuscript, however, is not entirely typical and may have been added, along with the pencil sketches, at a later date; most of the initials are quite plain.

69 See Dodwell, *Canterbury School*, pl. 38d, e, for a twelfth-century Calendar illustration and its application to initial decoration in British Library MS. Cotton Claud. E.v, fol. 45. MS. e Mus. 36 is illustrated in Pächt and Alexander, *Illuminated Manuscripts* 3, pl. XV.

70 vol. 3, fol. 1r. See M. R. James, *A Descriptive Catalogue of the Manuscripts Other than Oriental in the Library of King's College, Cambridge* (Cambridge, 1895), pp. 5-8. MS. e Mus. 27 is illustrated in Pächt and Alexander, *Illuminated Manuscripts* 3, pl. IX.

71 Fols. 51r, 53r, 58v; there is a painted initial on fol. 44v, of a variety found mainly in manuscripts of the later twelfth century.

Lambeth Palace MS. 67 begins with an initial *I* in the form of an author portrait of Boethius, whose standing figure is drawn in red outline, recalling in style and medium the coloured marginal drawings of the eleventh-century Bury Psalter in the Vatican Library.⁷² Although the Boethius figure betrays a Romanesque woodenness in pose,⁷³ the drawing retains the delicacy and lively movement of drapery which distinguish its Anglo-Saxon forebears and it is executed in the same ink as the rubrics on the same folio, which are in a rather crabbed and unsteady hand. This figure, along with the sketches on the fly-leaves of the Huntington Augustine mentioned above, suggests the persistence at Bury of an older school of artistic style, or at least, of the use of early models such as the Bury Psalter.

It is the missal in Laon, however, which has the most interesting decoration of the lot, except of course for the Morgan *Vitae sancti Eadmundi*. Although not particularly well executed, and now in bad condition, the initials on fol. 72r, the *P* of the *Per omnia* before the *Sursum corda* and, joined to it, the *U* monogram of the *Vere dignum*, are ambitiously conceived and painted in muted tones of rose, brick-red and bluish green, with a chalky bright blue. Wavy diagonal lines in rose, green and blue fill the stem of the *P*, giving a marbled effect. At the bottom of the stem is a small climbing dragon like the ones in Bodleian MSS. e Mus. 112 and e Mus. 36. The loop is made of panels of rose and green, decorated with little circles and separated in the centre by a large rosette; the loop terminates in a dragon's head within it, from which burst rinceaux and doughy trefoil flowers and leaves, dividing the space into grounds of rose, blue and green. A flourish of similar foliage links the *P* to the left stroke of the panelled *Vere dignum* monogram while the other stroke of the *U* terminates in a lion mask crowned by a fleur-de-lis of three plume-like leaves. The crossbar terminates in a grotesque, bearded face and both crossbar and *U* are decorated, like the initial *P*, with rather sketchy 'pearls' or little circles. Within the monogram is a figure of Christ, seated on a pearled rainbow arch, gesturing with his right hand and holding in his left a closed book. He has a cruciform nimbus, long flowing hair but no ears, and, like the Christ in Glory of MS. e Mus. 36, a singularly severe expression. Similarities between the facial features of the two Christs and other correspondences between the initials in the two manuscripts would almost suggest that they are by the same hand, were it not that the draughtsmanship of the Laon initials is definitely inferior to that of the hand of e Mus. 36, which may, however, have served as a model for it. The style of drapery in the Laon initial, too, is more archaic than that in the Bodleian manuscript.

72 Cf. MS. Vat. Reg. lat. 12, fols. 28r, 22r (Rickert, *Painting in Britain*, pl. 39 a, b).

73 Cf. for example Morgan MS. 736, fols. 5r and 28r, portraits of St. Edmund; there are many other examples from other scriptoria.

On fol. 72v of Laon 238, filling two thirds of the first column and immediately preceding the *Te igitur*, is a miniature of the Crucifixion drawn by the same hand as the initials on fol. 72r. Against a parti-coloured background, the crucified Christ is shown flanked by two figures: a tonsured cleric on the left who lifts a chalice to catch the blood from the wound in Christ's side, and on the right a female figure who faces him, her veiled head slightly inclined and her hands holding a sceptre with trilobe floral head. A draped altar stands between the priest and the cross, directly below the chalice. Sun and moon, in the form of profile heads enclosed in hollow, pearly hemispheres, float above the arms of the cross, flanking the label on which are written the words *hic est ihesus rex iudeorum*. Below the feet of the figures, the ground is drawn in bulging curves in the manner of Carolingian and Anglo-Saxon miniatures.⁷⁴

The drawing on both pages is somewhat crude and the draperies are treated in an archaizing, calligraphic manner, particularly in the use of circular configurations of folds and occasional rosette motifs to emphasize the knees of both seated and standing figures.⁷⁵ Except for the main outlines which are in dark ink, the folds and rounded surfaces are indicated by short, sketchy pen-lines in colour, often several hues on the same garment.⁷⁶ In style of drawing and motifs the initials on fol. 72r closely resemble the two in Pembroke MS. 12,⁷⁷ providing a stylistic link with the manuscripts of Group A: although in the latter manuscript darker colours and white and gold are used, the interlace and panel structure, the pearling of small, widely separated circles, and the same type of foliage and rinceaux, with stems forming a convex wedge inside the loop of the letter, are used in both manuscripts.

⁷⁴ Misinterpreted by Fleury, *Les manuscrits*, p. 107, as clouds but familiar as a groundline to those acquainted with the tradition of the Utrecht Psalter and its Canterbury copies: cf. Wormald, *English Drawings*, pls. 10-12. The Laon example is freer and less stylized, however, than the more typically Romanesque development of the motif found in the St. Albans Psalter or Morgan MS. 736 (O. Pächt-C. R. Dodwell-F. Wormald, *The St. Albans Psalter* (London, 1960), plates passim; Kauffmann, *Romanesque Manuscripts*, ill. 74, 79, 81, 83). In this again the Laon Missal displays the conservatism typical of much Bury decoration of the period.

⁷⁵ Compare, for example, a late tenth-century Psalter, British Library MS. Harley 2904, fol. 3v (Wormald, *English Drawings*, pls. 8, 9 and frontispiece); or a late eleventh-century drawing of St. Jerome in Corpus Christi College, Cambridge MS. 389, fol. 1v (Dodwell, *Canterbury School*, pl. 16c).

⁷⁶ See above, p. 345.

⁷⁷ They are not far from Canterbury work, either: cf. similar climbing dragons in many Canterbury manuscripts (Dodwell, *Canterbury School*, passim); masks with long tongues, like the one on the crossbar of the *U*, in Trinity College, Cambridge MS. R.17.1, fol. 15r and Corpus Christi College, Cambridge MS. 3, fol. 20r (ibid., pl. 29d, e); circles on the frame of Florence, Laurenziana MS. 12.17, fol. 3v (ibid., pl. 22); Trinity College, Cambridge MS. R. 15. 22, fol. 5v (ibid., pl. 20b); British Library MS. Cotton Vit. C.xii, fol. 121 (ibid., pl. 16b); but these manuscripts have a different script and the initial style is not quite the same.

The use of the Christ in Glory to decorate the *Vere dignum* monogram or page is traditional in missal and sacramentary decoration,⁷⁸ but the iconography of the Crucifixion miniature on fol. 72v is very unusual, and sufficiently problematic to merit a separate study.⁷⁹ Here, we are primarily concerned with the style and artistic scope of the ornament of a large number of manuscripts, as well as with their handwriting, all of which we have now examined in considerable detail.

From the common elements which these 'typical Bury products' exhibit, we may draw certain conclusions concerning the Bury scriptorium in the second and third quarters of the twelfth century. First, there was definitely a writing school with at least one master and a number of subsidiary scribes trained by him; there would seem, in fact, to have been two chief scribes or writing masters, whose time at the abbey was to some extent coincident, although Scribe A and his imitators of Group B practised a more old-fashioned and round calligraphy, while that of Scribe C and his less homogeneous following was a more 'modern' hand. Neither style of writing displays the striking individuality of the script, for example, of Christ Church, Canterbury, but they do have strongly marked characteristics which allow one to identify them with some certainty.

Second, there seems to have been in general use in the abbey scriptorium a pattern book of rubricated ornament, providing models of very attractive and graceful foliage ornament which were followed over a long period of time, so that the minor ornament of typical Bury manuscripts is of high quality and very consistent in style.

Third, there seems to have been very little attempt to nurture any more ambitious attempts at book painting among the members of the abbey community themselves. To judge from what remains, the scribes themselves were aesthetically conservative, and such models as were available were antiquated in style and limited in scope. This reinforces the general conclusion that the illuminated decorations of Morgan MS. 736, the *Vitae sancti Eadmundi*, both miniatures and body-colour initials, were the work of professionals brought from outside the abbey, a practice later repeated when Master Hugo was commissioned to illuminate the great Bury Bible. This would also help to explain, it seems to me, the unevenness of such other artistic products as survive from Bury St. Edmunds in the mid-twelfth century: the drawings now bound with the New

78 Cf. Leroquais, *Les sacramentaires* 1, pls. xxxiii-xxxiv. Other examples include Corpus Christi College, Cambridge MS. 422, p. 52, which provides stylistic as well as iconographic analogies (E. Temple, *Anglo-Saxon Manuscripts, 900-1066* (London, 1976), no. 104, p. 121, ills. 300-301, pp. 62-63), and another in Novara, Biblioteca Capitolare Cod. LIV (P. Toesca, *La pittura e la miniatura nella Lombardia* (Milan, 1912), fig. 54, p. 83).

79 E. Parker McLachlan, 'The Bury Missal in Laon and Its Crucifixion Miniature', forthcoming in *Gesta* 17.

Testament, Pembroke College, Cambridge MS. 120,⁸⁰ and the works from Bury which show the influence of Master Hugo's style.⁸¹

Thus, although in the twelfth century it was one of the largest Benedictine monasteries in England, Bury St. Edmunds apparently never succeeded, unlike Canterbury or St. Albans or Winchester, in fostering among its own community a strong and continuing tradition of artistic creativity. Instead, it played the role of a sort of institutional Maecenas, hiring the best and most avant-garde of professional talent to produce lavish volumes in the latest style and thus exercising only an indirect, although important, influence upon the development of English Romanesque art.

Rutgers University.

80 Parker, 'A Twelfth-Century Cycle'; Kauffmann, *Romanesque Manuscripts*, no. 35, pp. 74-75.

81 See above, n. 16.

RICHARD FISHACRE'S USE OF AVERROES WITH RESPECT TO MOTION AND THE HUMAN SOUL OF CHRIST*

Walter H. Principe, C.S.B.

THE penetration of Averroes' philosophy into the West in the years following the translation of his works into Latin continues to be clarified by research and new discoveries.¹ One remarkable early instance of the penetration of his philosophy, and this within a distinctively theological discussion about the human soul of Christ, is found in Richard Fishacre's *Commentary on the Sentences*, the first such commentary on the Lombard's work to be written by an Ox-

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1 On these translations and the first penetration of Averroes into the West around 1230 see R. de Vaux, 'La première entrée d'Averroès chez les Latins', *Revue des sciences philosophiques et théologiques* 22 (1933) 193-245. See also Joachim Vennebusch, 'Zur Bibliographie des psychologischen Schrifttums des Averroes', *Bulletin de philosophie médiévale*, ed. Société Internationale pour l'Etude de la Philosophie Médiévale, 6^e année (1964) 92-100, and Lorenzo Minio-Paluello, 'Aristotele dal mondo arabo a quello latino' in his *Opuscula: The Latin Aristotle* (Amsterdam, 1972; article first published in 1965), pp. 501-35. On the most important Latin translator of Averroes see Lynn Thorndike, *Michael Scot* (London, 1965).

Important text-editions and studies continue to shed new light on the crisis provoked later in the century by the influence of Averroes; see Louis-Jacques Bataillon, 'Bulletin d'histoire des doctrines médiévales: la fin du XIII^e siècle', *Revue des sciences philosophiques et théologiques* 58 (1974) 103-13, as well as the annual listings concerning this period in *Rassegna di letteratura tomistica*. Among many studies we note the following: Claude Tresmontant, *La métaphysique du Christianisme et la crise du treizième siècle* (Paris, 1964); Ludwig Hödl, 'Über die averroistische Wendung der lateinischen Philosophie des Mittelalters im 13. Jahrhundert', *Recherches de théologie ancienne et médiévale* 39 (1972) 171-204; Edouard-Henri Wéber, *La controverse de 1270 à l'Université de Paris et son retentissement sur la pensée de s. Thomas d'Aquin* (Bibliothèque thomiste 40; Paris, 1970), which has met serious criticism, e.g. in *Rassegna di letteratura tomistica* 5 (1973) 65-72, *Speculum* 49 (1974) 163-67 (my review), and above all in the long critical study by Bernardo Carlos Bazán, 'Le dialogue philosophique entre Siger de Brabant et Thomas d'Aquin: à propos d'un ouvrage récent de E. H. Wéber O.P.', *Revue philosophique de Louvain* 72 (1974) 53-155.

ford theologian.² Although Fishacre's lengthy *Commentary* has been dated between 1235 and 1240 by some authors, scholarly opinion now favours the dates 1241 to 1245.³

Before Fishacre's work, references to Averroes occur in Latin authors, so far as is known, only in Philip the Chancellor, William of Auvergne, Robert Grosseteste, and John of La Rochelle. Philip, in his *Summa de bono* written in the early 1230's, gives three brief references, one to Averroes' *Commentary on the Metaphysics* and two to his *Commentary on the De anima*.⁴ William of Auvergne, writing between 1231 and 1236, gives two brief statements that he says are from Averroes and that R. de Vaux finds to be fairly close to statements in Averroes' *De substantia orbis*.⁵ The edited scientific works of Grosseteste, likely written in the early 1230's, yield a count of eleven (possibly twelve) quotations from Averroes.⁶ The quotation of Averroes in John of La Rochelle's *Tractatus de*

2 On Fishacre's life and works see Franz Pelster, 'Das Leben und die Schriften des Oxfordener Dominikanerlehrers Richard Fishacre (+ 1248)', *Zeitschrift für katholische Theologie* 54 (1930) 518-53; Josiah Cox Russell, *Dictionary of Writers of Thirteenth Century England* (London, 1936), pp. 114-15; William A. Hinnebusch, *The Early Friars Preachers* (Rome, 1951), pp. 364-69; A. B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500* 2 (Oxford, 1958), pp. 685-86; D. A. Callus, 'Richard Fishacre', *New Catholic Encyclopedia* 12 (1967) 479.

3 The dates 1235 to 1240 are given by Odon Lottin, *Psychologie et morale aux XII^e et XIII^e siècles* 4.2 (Gembloux-Louvain, 1954), p. 854, and by Johannes Gründel, *Die Lehre von den Umständen der menschlichen Handlung im Mittelalter* (Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters 39.5; Münster Westf., 1963), p. 469.

The dates 1241 to 1245 are based on internal and external evidence. See the prologue to Alexander of Hales, *Glossa in quatuor libros Sententiarum Petri Lombardi* 1 (Quaracchi, 1951), p. 110* n. 3, and R. James Long, 'The Science of Theology according to Richard Fishacre: Edition of the Prologue to his *Commentary on the Sentences*', *Mediaeval Studies* 34 (1972) 71-98, especially 72-74.

4 The first of Philip's texts reads: '... Sed supra XI [IX TV] *Metaphysicae* determinat Commentator quod sicut minorum corporum circularium motus est ab intelligentia, ita primi corporis a prima intelligentia' (edited from Paris, Bibl. Nat. MS. lat. 3146 [N], fol. 5vb; Padua, Bibl. Antoniana MS. IX 156 [P], fol. 6vb; Toulouse, Bibl. Municipale MS. 192 [T], fol. 6rb; Vatican City MS. Vat. lat. 7669 [V], fol. 6va).

The second reads: '... Similiter dicitur ab Averone [Anerone N] in expositione libri *De anima* quod quae carent materia carent numero' (N 7va; P 9va; T 8va; V 8vb). The third says: 'Contra hoc est quia Commentator super librum *De anima* ponit, quod ratio sit corruptibilis, intellectus autem incorruptibilis' (ed. Leo W. Keeler, *Ex Summa Philippi Cancellarii quaestiones de anima* [Münster i. W., 1937], p. 65; in our manuscripts as follows: N 31rb; P 43rb; T 36vb; V 38ra).

5 The texts, one from William's *De universo*, the other from his *De anima*, are quoted by de Vaux, 'La première entrée', 235, and are compared with the *De substantia orbis* on pp. 235-36.

6 Five are found in works edited by Ludwig Baur, *Die philosophischen Werke des Robert Grosseteste, Bischofs von Lincoln* (Beiträge zur Geschichte der Philosophie des Mittelalters 9; Münster i.W., 1912), pp. 62, 64 (*De lineis*), pp. 68, 69 (*De natura locorum*), p. 78 (*De colore*); a possible sixth quotation is given *ibid.*, p. 94 (*De motu supercaelestium*). Averroes is named six times, in most cases with paraphrases or summaries of his teaching, in books 7 and 8 of Grosseteste's *Commentarius in VIII libros physicorum Aristotelis*, ed. Richard C. Dales (Boulder, Col., 1963), pp. 129-30, 145, 150, 151, 152. Grosseteste's use of Averroes may have influenced

divisione multiplici potentiarum animae, written between 1233 and 1239, is most likely copied from Philip the Chancellor, whom he frequently follows; hence it is probably not the result of independent reading of Averroes.⁷ Finally, a doubtful example is a quotation of Averroes found in a gloss on the *Anticlaudianus* of Alan of Lille; it is uncertain whether this gloss antedates Fishacre's work.⁸

After these authors, the earliest use of Averroes was that made by Albert the Great in his *Summa de creaturis*, composed in the early 1240's and therefore at the same time as Fishacre's *Commentary*.⁹ At Oxford, despite enthusiasm for the translation of Aristotle and the Arabian philosophers, no trace of Averroes has been discovered prior to Fishacre's work other than the quotations already seen in Grosseteste. The very extensive use of Averroes by the Oxford master of arts, Adam of Buckfield, is at best contemporary with if not later than Fishacre's.¹⁰

Fishacre to consult this author if Fishacre read any of these works; he certainly used Grosseteste's *Hexaameron*, as has been shown by Richard C. Dales, 'The Influence of Grosseteste's "Hexaameron" on the "Sentences" Commentaries of Richard Fishacre, O.P. and Richard Rufus of Cornwall, O.F.M.', *Viator* 2 (1971) 271-300; Dales, however, mentions no texts of Averroes in the *Hexaameron* or in Fishacre's use of it, nor do any of Grosseteste's quotations of Averroes referred to above recur in the passages in Fishacre that we shall examine. Grosseteste's use of Averroes is also discussed, together with dates of the works where Averroes is quoted, by A. C. Crombie, *Robert Grosseteste and the Origins of Experimental Science, 1100-1700* (Oxford, 1953), pp. 47-51 and *passim*.

Another work attributed by some scholars to Grosseteste contains four or five quotations of Averroes, but Grosseteste's authorship has been rejected by Richard C. Dales, 'The Authorship of the *Summa in Physica* Attributed to Robert Grosseteste', *Isis* 55 (1964) 70-74. The dates of the work are uncertain, but Dales thinks it is later than Grosseteste's scientific period (p. 72). It could, of course, antedate Fishacre's *Commentary*, but its use of Averroes is not so careful as Fishacre's, consisting of 'offhand references to Averroes in the early part of the work' (Dales, p. 72).

7 See his *Tractatus* 2. 52, ed. Pierre Michaud-Quantin (Textes philosophiques du moyen âge 11; Paris, 1964), p. 29, where John quotes the third of the texts given above, n. 4. That Philip is his source for this text is shown by D. H. Salman, 'Jean de la Rochelle et les débuts de l'averroïsme latin', *Archives d'histoire doctrinale et littéraire du moyen âge* 16 (1947-48) 141.

8 This quotation of Averroes has been examined by de Vaux, 'La première entrée', 232-34; he says that the quotation of Averroes is accurate. Although de Vaux is convinced that the work was written after 1230, it remains uncertain whether it is anterior to Fishacre's *Commentary*.

9 On Albert's use of Averroes in this work see de Vaux, *ibid.*, 237-41, Dominique Salman, 'Note sur la première influence d'Averroès', *Revue néoscholastique de philosophie* 40 (1937) 203-12, esp. 208-209, 211-12, and Robert Miller, 'An Aspect of Averroes' Influence on St. Albert', *Mediaeval Studies* 16 (1954) 57-71, especially 59-64. On Albert and Averroism more generally see Bruno Nardi, 'La posizione di Alberto Magno di fronte all'averroismo' in his *Studi di filosofia medievale* (Rome, 1960; article first published in 1947), pp. 119-50.

10 On the lack of use of Averroes prior to Fishacre see D. A. Callus, *Introduction of Aristotelian Learning to Oxford* (London, n.d.: extracted from *Proceedings of the British Academy* 29 [1943]), pp. 7-30, especially pp. 7 and 23. On Adam of Buckfield and his use of Averroes, at times in paraphrase, see *ibid.*, pp. 29-30, and *idem*, 'Adam of Buckfield', *New Catholic Encyclopedia* 1 (1967) 116 (with further bibliography). Born around 1220, Buckfield was a student at Oxford in 1238 and at least by 1243 had become a master in arts. His commentaries on Averroes could hardly have preceded Fishacre's work, but they do show the growing interest in Averroes at Oxford during or shortly after Fishacre's time.

Although, as Callus observes, Fishacre was hardly an ardent Aristotelian, 'his knowledge of the new learning, compared with that of his contemporaries, was astonishingly wide.'¹¹ Undoubtedly Averroes is quoted less frequently than Aristotle or Avicenna, but the name 'Averroes' does appear here and there, and a complete study of Fishacre's *Commentary* would undoubtedly reveal a greater number of implicit references and explicit quotations than the few found thus far.

In fact, examination of the considerable number of Fishacre's texts already edited by different scholars has led to a count of only five references to Averroes by name and two others where he is quoted but not named. In these Averroes' *Commentary on the Metaphysics* is quoted three times,¹² and the *Commentary on the De caelo et mundo* is quoted once,¹³ as is the *Commentary on the De anima*.¹⁴ The two quotations where he is not named are from the *Commentary on the Metaphysics*.¹⁵ All seven texts are found in books 1 and 2 of Fishacre's work, the sections that have been most studied by scholars. My own partial reading of Fishacre's lengthy *Commentary* has yielded, in addition to the texts to be studied

¹¹ *Introduction*, p. 32.

¹² Pelster (cited above, n. 2), p. 537, transcribes these passages, all from Fishacre's *Commentary* 1.45: 'Unde Aristoteles et Averrois in fine 7 prime philosophie ...; unde Averrois in fine prime philosophie recitat tres opiniones Unde Averrois de prima opinione dicit super 9 prime philosophie.'

¹³ See Leo Sweeney and Charles J. Ermatinger, 'Divine Infinity according to Richard Fishacre', *The Modern Schoolman* 35 (March 1958) 231-32 and 230 n. The text, quoted in Fishacre's *Commentary* 1.2, is from *In 2 De caelo*, c. 1 (284a13-18), text. 3 (Venice, 1574) 5.96v1-97rC. Fishacre's text begins as follows: 'Quippe dicit Averroes quod motor caeli potest ad motum infinitum duratione. Cuius ratio est quod virtus eius finita non diminuitur in movendo'

¹⁴ In Fishacre's *Commentary* 1.3, the text reads: 'Haec testatur Averroes, qui dicit quod, nisi prius esset diversitas in ipso intellectu non esset diversitas speciei receptae in eo ab ipso intellectu recipiente.' This text, first edited by Francesco Card. Ehrle, 'L'agostinismo e l'aristotelismo nella scolastica del secolo XIII: Ulteriori discussioni e materiali', *Xenia thomistica* 3 (Rome, 1925), p. 554, then by Friedrich Stegmüller, 'Der Traktat des Robert Kilwardby O.P. De imagine et vestigio Trinitatis', *Archives d'histoire doctrinale et littéraire du moyen âge* 10-11 (1935-36) 335, is the only explicit reference to Averroes in the 151 pages of texts of Fishacre on the human soul edited by R. James Long, *The Problem of the Soul in Richard Fishacre's Commentary on the Sentences* (Diss. Toronto, 1968), pp. *1-*151; see p. *32 for the text. Only Long gives the reference (p. 354): 'Averroes, *In Arist. de anima* III, § 5; ed. Junta (Venice, 1574), p. 139v.' Long gives some of the results of his research in 'Richard Fishacre and the Problem of the Soul', *The Modern Schoolman* 52 (March 1975) 263-70.

¹⁵ Long, *The Problem of the Soul*, p. *62, edits a text in which Fishacre says: 'Sicut ab Aristotele dicitur caelum non habere materiam, quia caret materia corruptibilium' (*Commentary* 2.3). He was unable to find this text in Aristotle but refers (p. 357) to Averroes, '*Comm. in Meta.* VIII, 4; ed. Junta (Venice, 1579), VIII, p. 211rb.' Augustinus Daniels, *Quellenbeiträge und Untersuchungen zur Geschichte der Gottesbeweise im dreizehnten Jahrhundert* (Beiträge zur Geschichte der Philosophie des Mittelalters 8.1-2; Münster, 1909), p. 23, identifies the following statement from Fishacre's *Commentary* 1.3 as coming from Averroes, *In 12 Metaph.*, text. 37: 'Item, privatio non cognoscitur nisi per habitum.' In the Venice edition of 1574 the text is found in 8.319vL.

here, only one further explicit quotation from Averroes, this from his *Commentary on the De caelo*: here he is named *Commentator*.¹⁶

With this fairly small number of quotations in mind, it is quite surprising to discover in book 3, distinction 2, a whole cluster of arguments, based on explicit accurate quotations and references to works of Averroes (including now his *Commentary on the Physics*) within Richard Fishacre's examination of the question whether or not Christ had a human soul.

The application of Averroes' thought within such a strictly theological question is indeed anticipated in book 3, distinction 1, where a text of Averroes is invoked with reference to the very union of God and man in Christ. There Averroes' *Commentary* on book 8 of the *Physics* concerning composition and separation of components is related to the problem of motion, a topic that will most occupy Fishacre in his use of Averroes with respect to the human soul of Christ.¹⁷

16 2.13: 'Sed quid hic dicit Augustinus universum corpus? Si mundum, patet quod dicit falsum quia in mundo sursum est circumferentia et deorsum centrum terrae, qui sunt termini motus recti gravis et levis. Si caelum universa haec circumdans, scilicet caelum stellatum, tunc contradicit hic Magistro et Aristoteli in libro *De caelo et mundo*, ubi ex ipso Commentatore patet quod oriens, quia inde est motus, est dextrum, occidens sinistrum, polus antarcticus sursum, arcticus deorsum; haec facies caeli supra hemispherium nostrum ante opposita dicitur retro' (edited from Oxford, Balliol College MS. 57 [B], fol. 104vb; London, British Library MS. Royal 10.B.vii [L], fols. 127vb-128ra; Oxford, Oriel College MS. 43 [O], fol. 161ra; Paris, Bibl. Nat. MS. lat. 15754 [P], fol. 92vb; Vatican City MS. Ottob. lat. 294 [V], fol. 122vb; all Fishacre's texts will be edited from these manuscripts, with Latin spelling regularized according to 'classical' usage and punctuation according to the sense of the text). Cf. Aristotle, *De caelo et mundo* 2.2 (285a27-286a2), and Averroes, *In 2 De caelo et mundo*, c. 2 (ibid.), text. 12-16 (Venice, 1574) 5.101rF-105vK; see especially text. 13 (102rE-vG), 14 (103vH-I), 15 (104rB), 16 (105rB-D).

Texts from Fishacre edited in two recent articles give no quotations from or references to Averroes; see L.-B. Gillon, 'L'esprit «partie» de l'univers: Autour d'un texte de Richard Fishacre' in *Studi tomistici*, ed. Antonio Piolanti, 1 (Rome, 1974), pp. 210-22, and David M. Solomon, 'The Sentence Commentary of Richard Fishacre and the Apocalypse Commentary of Hugh of St. Cher', *Archivum fratrum praedicatorum* 46 (1976) 367-77.

17 The text of 3.1 reads as follows: 'Item, Averroes, Alexander, Aristoteles in octavo *Physicorum*: *Omne compositum ex duobus quorum alterum potest esse per se, possibile est reliquum esse per se, ut in hydromelle, nisi sit compositio substantiae et accidentis*. Sed esse coniunctum et esse motorem [*sic*] inveniuntur simul, ut in anima, et invenitur coniunctum per se, scilicet in lapide. Ergo inveniri poterit motor per se, scilicet non coniunctus, non nisi Deus. Ergo nullo modo est carni coniunctus' (B 153va; L 182va; O 239ra; P 136rb; V 175vb-176ra).

Although the idea is found, as Fishacre says, in Averroes, *In 8 Phys.* (c. 5 [256b13-27], text. 37 [Venice, 1562] 4.376vL), the exact text is from Averroes, *In 12 Metaph.*, c. 7 (1072a23-26), text. 35, 8.317vK-L. In this latter text Averroes refers to the *Physics* and also quotes Alexander (a quotation that likely explains the presence of Alexander's name in Fishacre's text): 'Dixit Alexander. Ista est ratio quod aliquod movens non movetur, et est dicta breviter, et rememoratio eius quod dictum est in ult. *Physic*. Et est fundata super duas propositiones, quarum una est, quod omne compositum ex duobus, quorum alterum potest esse per se, possibile erit etiam alterum esse per se, nisi compositio sit substantiae et accidentis, v.g., quod hydromel, quia componitur ex aqua et melle, et mel invenitur per se, necesse est ergo ut aqua inveniat per se.' (The punctuation of the Venice edition has been retained in this and subsequent quotations.)

This text in distinction 1 is, however, only one isolated quotation within a fairly long discussion of the Incarnation. But in distinction 2, after giving scriptural arguments for the existence of a human soul in Christ and after summarizing Arian and Apollinarian denials of a soul in Christ, the Oxford master fills two manuscript columns with twenty-four arguments seeking to prove the existence of a human soul in Christ.¹⁸ All but a few of these arguments call upon concepts or principles from Aristotle and Averroes, and in many cases their very words are quoted to further the argument. Since the dominant theme invoked is that of motion, it is no surprise that of the six explicit references to Averroes and of the four explicit references to Aristotle all but two are to the *Physics* of Aristotle and to Averroes' *Commentary* on that work. The other two explicit references are to Aristotle's *Metaphysics* in one case and to Averroes' *Commentary on the Metaphysics* in the other. Besides the six explicit references to Averroes, four other texts have been identified where he is used but not named; of these three are from Averroes' *Commentary on the Physics*, the fourth from his *Commentary on the Metaphysics*. Thus within two manuscript columns Averroes is quoted or used at least ten times and Aristotle at least four times. Leaving aside Fishacre's use of Aristotle, the present study will examine this unusually detailed use of Averroes within the theological question about the human soul of Christ.

Fishacre's use of Averroes' ideas on motion to prove the existence of a human soul in Christ takes two main directions. Eight texts from Averroes are used to argue that certain properties of motion make it impossible for God to be the immediate mover of a body. Therefore, the argument runs, if Christ's body is to move, a human soul is needed to move it. The second direction, taken by the remaining texts, is to show that other properties of motion are such that Christ's actions would not be natural if he were moved only by God and not by a human soul.

We shall begin with the first set of eight texts, used by Fishacre to establish that God cannot move a body immediately. In the first of these our Oxford master says that according to 'the Commentator Averroes, on the fourth book of the *Physics*, "a thing that is moved must necessarily have, together with its mover, some resistance that is overcome by the power of the mover": 'Hinc Averroes Commentator super IV *Physicorum*: *Res mota debet necessario habere cum motore aliquam resistentiam quam potentia excedat*.'¹⁹ Aristotle's *Physics* is

18 In our manuscripts distinction 2 begins as follows: B 157 va; L 186rb; O 244ra; P 139vb; V 179vb. The twenty-four arguments are located as follows: B 157vb-158rb; L 186va-187ra; O 244rb-vb; P 139vb-140rb; V 179vb-180rb.

19 *In 4 Phys.*, c. 8 (215a24-b21) text. 71, 4.161vH; '... Res mota necessario debet habere cum motore aliquam resistentiam, qua potentia motoris excedat potentiam illius' For the significance

also mentioned as teaching that movement is possible only if the mover is resisted by the thing moved or by a medium or by both of them.²⁰ God is a mover of infinite power, Fishacre continues; after stating this, he relies on texts of Averroes to argue that no body can offer any resistance to God because a finite power cannot resist an infinite power owing to the lack of proportion between them. Therefore, Fishacre goes on, because of his great power God can have nothing that resists him, and so he cannot move a body. As a theologian, Fishacre hastens to add that this inability on God's part derives from his nobility and not from any lack of power:

Sed cum iste motor, scilicet Deus, sit infinitae potentiae, nullius ad eum potest esse resistentia corporis quia virtutis finitae ad infinitam nulla est resistentia quia nec proportio. Ergo nullum corpus movere potest quia tantae virtutis est ut non possit habere resistens: quod est nobilitatis, non impotentiae.²¹

Fishacre now applies the argument to Christ. If Christ lacked a human soul (and if God cannot move his body immediately), Christ could not walk: 'Et ideo non posset ambulare Christus si anima omnino careret.'²² In this argument, then, the attribute of infinite divine power is invoked by the theologian in conjunction with Aristotelian and Averroist concepts of motion to show the need for a human soul in Christ.²³

of this idea and for helpful comments on Averroes' doctrine on motion, see James A. Weisheipl, 'Motion in a Void: Aquinas and Averroes' in *St. Thomas Aquinas, 1274-1974: Commemorative Studies*, ed. Armand A. Maurer et al., 1 (Toronto, 1974), pp. 467-88, esp. 477-80.

20 '... Contra naturam illius maiestatis est esse motorem immediatum corporis quia motus non est nisi propter resistentiam mobilis vel medii vel utriusque ad motorem, cuius ratio patet in *Physicis*' (B 157vb; L 186va; O 244rb; P 140ra; V 179vb-180ra). Aristotle's position on this is more complex than Fishacre suggests; see Weisheipl, *ibid.*, pp. 467-76.

21 B 157vb; L 186va; O 244rb; P 140ra; V 180ra. Behind the words 'nullius ... proportio' stands the text of Averroes, *In 7 Phys.*, c. 5 (249b27-250a4), text. 35, 4.335rB-C: 'Necessario enim debet esse resistentia inter motorem, et rem motam, sive motio fuerit naturalis, aut in-naturalis, et ista resistentia communis est, secundum quod alterum est agens, et reliquum pa-tiens Sed omnes conveniunt in hoc, quod [virtutes caelestes moventes] movent in infinitum. Et secundum hunc modum non est proportio inter eas et motum.'

22 *ibid.*

23 Within this same argument Fishacre answers a possible objection to his position with a reply that appears to be based on Averroes: 'Nec est contra hoc quod est agens voluntarius et ideo non transfert corpus subito, quia non vult, quippe agit cum agit tota virtute sua infinita, quae est im-partibilis; non sic tu vel angelus' (*ibid.*). The principles Fishacre uses here seem to come from Averroes, *In 4 Phys.*, c. 8 (215a24-b21), text. 71, 4.161vL and 162rB-C, and *In 8 Phys.*, c. 1 (252a10-b6), text. 15, 4.349rE-350vM. In the latter passage the following words of Averroes are close to Fishacre's thought: 'Voluntas enim non postponit facere quod intendit, nisi propter existentiam alicuius intentionis in re intenta, quae non erat in tempore voluntatis, et, si non esset, necesse est ut illud, quod est volitum, esset cum voluntate. Cum igitur posuerimus voluntatem esse, in qua possibile postponi volitum, hoc erit propter existentiam alicuius, quod nondum erat, scilicet, propter defectum alicuius causae, aut alicuius dispositionis, neque erit tempus, neque aliud, cum iam posuimus, quod ista voluntas est primus motuum, manifestum est quod tunc volitum debet esse cum ea' (349vL-M).

Averroes is appealed to again to show that God cannot move Christ's body because as first mover he is unmoved, whereas every mover joined to a body is moved in some way. Since God cannot be moved, were he to be united to Christ's body without a human soul, he could not move that body:

Item, omnis motor corpori coniunctus movetur saltem per accidens. Sed Deus nec per se nec per accidens movetur. Ergo non est motor corporis. De hoc Averroes super secundum *Physicorum*: *Iste motor movet absque eo quod moveatur et non est ita de motore naturali*.²⁴

Here the divine attributes of impassibility and immutability are invoked in conjunction with philosophical principles concerning motion.

Another argument combines texts of Aristotle and Averroes on action and passion to show that God cannot be the agent of the passion of movement in Christ. Summarizing a section of Aristotle's *Physics* without identifying it, Fishacre says that a motion that is an action with respect to an agent and a passion with respect to a patient is identical in essence. Averroes' *Commentary on the Physics* may have directed our author's attention to this section in Aristotle, for he adds at once from Averroes' commentary on the passage: 'To go up and to go down are identical as to subject':

Item, idem motus in essentia qui respectu agentis est actio respectu patientis est passio. Averroes, secundo *Physicorum*: *Ascensus et descensus sunt idem secundum subiectum*.²⁵

Envisaging the case of God's moving the body of Christ without the medium of a human soul, the Oxford master quotes Averroes again to the effect that 'motion is necessarily the same perfection for each, that is, the mover and the moved object.' But, he continues, since motion is a creature insofar as it is a passion, and since the action giving rise to it is (because of the principle just stated) identical with it, this action itself is a creature. But since the Creator's action is his very essence, no motion involving something moved by the motion can be an action of God: this would make a creature to be in God. Therefore Christ's body could not be moved by God immediately:

Secundum hoc est de motore et moto quoniam actio facta inter illa est eadem, sed in respectu alterius dicitur movere et in respectu reliqui dicitur moveri. — Instantia:

²⁴ ibid. See Averroes, *In 2 Phys.*, c. 7 (198a35-b3), text. 73, 4.74vL-M: '... Huiusmodi motor [i.e., primus motor] necesse est, si fuerit, ipsum movere absque eo, quod moveatur. Et non est ita de motore naturali.'

²⁵ B 158ra; L 186vb; O 244va; P 140ra; V 180ra. For the text of Averroes see *In 3 Phys.*, c. 3 (202a13-21), text. 18, 4.92vL: '... Definitio tamen non est eadem ascensus, et descensus, licet ambo sint idem secundum subiectum.'

*Necesse est ut motus sit eadem perfectio utriusque, motoris scilicet et moti. Sed omnis passio, cum sit in praedicamento passionis, est creatura. Ergo actio qua fit illa passio, cum sit id ipsum, creatura est. Ergo non est actio creatoris, quae est eius essentia. Ergo nullum movere cui respondet moveri est actio Dei. Ergo illud corpus a Deo moveri non potest.*²⁶

Here God's uncreatedness and simplicity are shown as reasons why motion, as analyzed by Aristotle and Averroes, cannot belong to God with respect to Christ's human body if there is no human soul.

The final passage in this first way of using Averroes is taken from his *Commentary* on book *A* of the *Metaphysics*: 'Again, Averroes on the *Metaphysics*: "What is within the soul is an agent of local motion, but insofar as it is outside the soul it moves as an end": 'Item, Averroes super *Metaphysicam*: *Quod est in anima est agens motum localem; secundum vero quod est extra animam est movens secundum finem.*'²⁷ Without naming Averroes, Fishacre at once gives another text from him that is most important for his argument: 'If the form of a bath were not in matter, then it would move both as an agent and as an end without any conjoined variation: *Si forma balnei non esset in materia, tunc moveret et secundum agens et secundum finem sine aliqua variatione contingente.*'²⁸ Applying this hypothesis, he argues that if God were in fact to move something as an efficient cause, the only reason he would do so would be to move the thing to reach or possess his own (that is, God's) presence. But local motion is out of the question — God is an entirely immaterial form and is always present to every creature and every place. There could be no movement of a creature in place in order to gain God's presence since God is already everywhere. So, too, if the species of a bath were entirely immaterial and if the soul had this immaterial species present in itself, the body would not move locally to reach the bath since it would already possess it:

Igitur, si Deus est forma omnino immaterialis, si movet ut efficiens, movebit ut mobile habeat eum praesentem. Ergo, cum ipse sit omni creaturae praesens et omni loco, non movebit mobile secundum locum: sicut si anima haberet in se speciem

26 B 158ra; L 186vb; O 244va; P 140ra; V 180ra-rb. For the quotation see Averroes, *In 3 Phys.*, c. 3 (202a13-21), text. 18, 4.92vH: 'Necesse est enim ut motus sit eadem perfectio utriusque, scilicet motoris, et moti'

27 B 158ra; L 186vb; O 244vb; P 140rb; V 180rb. See Averroes, *In 12 Metaph.*, c. 7 (1072a26-29), text. 36, 8.318vI: 'Quod autem est in anima, est agens motum, secundum vero, quod est extra animam, est movens secundum finem.' Fishacre's text adds *localem* after *motum* in all our manuscripts.

28 B 158ra-rb; L 186vb; O 244vb; P 140rb; V 180rb. See Averroes, *In 12 Metaph.*, c. 7 (1072a26-29), text. 36, 8.318vK: 'Si igitur forma balnei non esset in materia, tunc moveret et secundum agens et secundum finem sine aliqua motione contingente.' Fishacre's text reads *variatione* for *motione* in all our manuscripts.

balnei et ipsa esset species immaterialis omnino, non moveret corpus secundum locum propter balneum cum iam haberet.²⁹

Thus once again attributes of God — in this case his immateriality and omnipresence — are seen in the light of Averroes' thought on motion as precluding an immediate movement of Christ's body by God without a human soul.

The second direction taken by Fishacre in his use of the Commentator's texts is to show that Christ must have had a human soul if his movements were to be truly natural and neither violent nor miraculous. To maintain this naturalness of Christ's human movement was of course important for the theologian who wished to uphold the traditional dogmas that Christ had a normal human nature as well as normal and truly human activities.

The first of these texts, from Averroes' *Commentary* on the second book of the *Physics*, states that 'the first mover has no principle of motion in itself through which it is moved, but a natural power has such a principle': 'De hoc Averroes super secundum *Physicorum*: *Primus motor non habet principium motus in se per quod movet, sed motor naturalis habet.*'³⁰ Fishacre had already said that if God were the proper mover of Christ's body, he would be either a natural or a violent mover of that body. By the principle stated in Averroes' text Fishacre eliminates God as a natural mover: as first mover, God has in himself no principle by which he is moved.³¹ What remains, then? The alternative would be that God would be a violent mover of Christ's body. But if that were the case, our theologian goes on, 'then Christ did not walk naturally as you walk, but there was some species of violent movement in him, that is, either a pushing or a pulling or a carrying or a turning around, which is clearly false:

Si vero est motor eius violentus, tunc Christus non naturaliter ut tu ambulavit, sed fuit in eo motus violenti aliqua species, scilicet vel pulsio vel tractio vel vectio vel vertigo, quod patet falsum.³²

In this graphic description Fishacre indicates that if there were no human soul in Christ, his human body would be moved about forcefully from without as if it were a puppet manipulated by God.

The final explicit quotation from Averroes, again from his *Commentary* on the second book of the *Physics*, says that natural things are those which are not moved from outside. But Christ, Fishacre argues, was a natural thing, not

29 B 158rb; L 186vb; O 244vb; P 140rb; V 180rb.

30 B 158ra; L 186va-vb; O 244va; P 140ra; V 180ra. See Averroes, *In 2 Phys.*, c. 7 (198a35-b3), text. 73, 4.74vL: 'Primus motor non habet principium motus, a quo movetur: sed motor naturalis habet in se principium motus, per quod movetur'

31 At this point Fishacre also recalls a similar passage he had already quoted from Averroes; it is the text given above, n. 24.

32 B 158ra; L 186vb; O 244va; P 140ra; V 180ra.

something artificial. Now God is outside of Christ as well as within him, and indeed he is everywhere. Therefore, the argument concludes, God was not the natural mover of Christ and therefore did not act for him as a soul does in other men:

Item, constat Christus fuit res naturalis, non artificialis. Sed Averroes, secundo *Physicorum*: *Naturalia sunt illa quae non moventur ex extrinseco*. Sed constat Deus est extra Christum sicut intra et ubique. Ergo non est motor eius naturalis et ita non est ei tamquam anima.³³

The argument is less than convincing. Fishacre admits that God is within Christ as well as outside him; thus God would seem, on this account at least, to be able to move Christ from within and therefore by a natural movement.

* * *

This completes the examination of Fishacre's six explicit quotations from Averroes as well as four other texts directly quoted from him or based on his works but not identified by Fishacre as his. There may be still other as yet unidentified quotations from Averroes in this second distinction of book 3 and there are surely others in his massive *Commentary*, but these already show at a fairly early date an unusually detailed and extensive reading and use of Averroes within one particular theological question. Moreover, these are the first texts found thus far to show that Fishacre had read Averroes' *Commentary on the Physics*. They also reveal the Oxford master's great interest in the properties of motion and his connection with the empirical scientific interests so characteristic of the Oxford milieu of his time.³⁴ D. E. Sharp's study of Fishacre's philosophical interests fails to mention his evident interest in motion;³⁵ one may be permitted to wonder if she missed this point because of neglect of sections in Fishacre's work that seem less 'philosophical'.

In addition to the new light this particular example sheds on the knowledge and use of Averroes at an early stage of his reception in the West, it is most interesting for the subtle interplay it reveals between the theologian's faith and the use he makes of new philosophical concepts:³⁶ this interplay or lack of it was to

33 *ibid.* For the text of Averroes see *In 2 Phys.*, c. 1 (192b21-32), text. 3, 4.49rD: '... Naturalia sunt illa, quae non moventur ex extrinseco'

34 For a description of this milieu see Callus (cited above, n. 10).

35 'The Philosophy of Richard Fishacre (D. 1248)', *The New Scholasticism* 7 (1933) 281-97: there is only one passing reference to an argument concerning motion on p. 292.

36 Frequently in his writings, especially when he is advancing into new territory or presenting original ideas or solutions, Fishacre introduces a note of caution by saying at the close of the discussion that he remains uncertain about the matter and leaves it to his reader to decide. Here, after such a hardy use of new ideas from Averroes and Aristotle, he once again does the same

be part of the crisis of the later part of the century. Fishacre makes an original and at times clever application of Averroes in order to maintain in a new way what every Christian theologian had always felt compelled to assert about the Incarnation, that is, the perfection of the divine attributes of the God who became incarnate and the fully natural qualities of the human nature assumed in the Incarnation. Other arguments had been used before to show the existence of a human soul in Christ. But Richard Fishacre, meeting the influx of new concepts from the Arabian world, juxtaposes and relates Averroes' analyses of motion, movers, and moved things to his Christian faith in God's infinite power, impassibility, simplicity, transcendence, and immateriality as well as to his faith in Christ's natural properties as man. Thus in Richard Fishacre, the English Dominican, faith sought understanding by stretching out its hand to Averroes, the Spanish Moor and Muslem.³⁷

Pontifical Institute of Mediaeval Studies.

thing: 'Concedo ergo quod habuit animam, sed an sit concedendum quod non possit <Deus> movere corpus quia talis actio repugnat tantae maiestati, nescio. Dicat lector quod melius videtur' (B 158rb; L 187ra; O 244vb; P 140rb; V 180rb). This apparent hesitation should not be taken seriously. It is simply a *captatio benevolentiae* and an indication of Fishacre's habitual timidity before possible critics of his own original solutions or of such a new type of argumentation; it seems clear from the whole lengthy discussion that Fishacre personally finds the arguments from the new philosophy convincing and valuable for his purposes.

³⁷ A similar use of new philosophical and scientific ideas by Fishacre, including a few of the new concepts of motion, can be seen in R. James Long, 'Richard Fishacre's *Quaestio* on the Ascension of Christ: An Edition', in this same volume, pp. 30-55 above. As the editor indicates (p. 40), in this question Fishacre makes no mention of his sources for these philosophical and scientific ideas.

AN OLD FRENCH SOURCE FOR THE GENESIS SECTION OF *CURSOR MUNDI*

Sarah M. Horrall

SCHOLARS have been aware for some time that the *Cursor mundi* poet translated large sections of his work from French sources. The only major source study of the poem is that by Haenisch which appeared in Morris' edition of the work.¹ The only source which Haenisch suggested for the Old Testament section of *Cursor mundi* was Petrus Comestor's *Historia scholastica*, but he did note that Wace's poem on the Conception had been used for later sections. In 1894 A. S. Napier pointed out that the sections of the *Cursor mundi* containing the story of the wood of the Holy Cross had been translated in part from an Old French poem on the subject.² George L. Hamilton called attention some years later to the Middle English poet's use of several poems on the life of Christ in an unedited Old French manuscript, British Library Add. 15606.³ Later studies documented the poet's heavy borrowing from the Old French *Bible* of Herman of Valenciennes, especially in its Old Testament section,⁴ and most recently Kari

1 See Richard Morris, ed., *Cursor mundi*, 7 vols. (EETS OS 57, 59, 62, 66, 68, 99, 101; London, 1874-93). Dr. Haenisch's 'Inquiry into the Sources of the *Cursor mundi*' is in vol. 6 of the above, EETS OS 99, pp. 1*-56*. Haenisch's article does not appear in the 1962 reprint of Morris' edition.

The present article is based on data gathered during the preparation of a new edition of the southern MSS. of *Cm*. See Sarah M. Horrall, *An Edition of the Old Testament Section of the Cursor Mundi from MS College of Arms, Arundel LVII* (Diss. Ottawa, 1973). I am working on a substantial revision of this, to be published as *The Southern Version of Cursor Mundi*, vol. 1.

2 Arthur S. Napier, *History of the Holy Rood-Tree* (EETS OS 103; London, 1894), pp. xxiii-xxxi.

3 George L. Hamilton, review of Gordon Hall Gerould, *Saints' Legends* (Boston-New York, 1916) in *Modern Language Notes* 36 (1921) 238.

4 Lois Borland, *The Cursor mundi and Herman's Bible* (Diss. Chicago, 1929); idem, 'Herman's Bible and the *Cursor mundi*', *Studies in Philology* 30 (1933) 427-44; Philip Buehler, 'The *Cursor mundi* and Herman's Bible — Some Additional Parallels', *Studies in Philology* 61 (1964) 485-99.

Sajavaara has carefully compared the *Cursor mundi* text of the allegory of the four daughters of God with its source, Grosseteste's *Château d'amour*.⁵

The purpose of the present article is to document the *Cursor mundi* poet's indebtedness to yet another Old French work, the long poem ineptly christened by Jean Bonnard the *Traduction anonyme de la Bible entière*.⁶ This poem, which is in a variety of metres, is actually a paraphrase of *Genesis* and *Exodus*, to which is added a version of the history of the wood of the Cross of Christ from the time of Moses to that of St. Helena.

The poem is extant in full in only one manuscript, Bibliothèque Nationale fr. 763, fols. 211-277 (B). However, Montpellier, Bibliothèque de l'Ecole de Médecine 437 (M) contains a fragment of the same poem. MS. Arsenal 3516 (A) is a further testimony to the popularity of this now little known work. In the latter manuscript, the text of *Trad. anon.* is intermixed with that of the immensely popular *Bible* of Herman of Valenciennes and other French texts to produce a compilation of biblical history.⁷

Nothing is known of the author of the *Trad. anon.* except that he was a religious who once visited the abbey of Saint-Denis. The poem itself was possibly composed early in the thirteenth century, although the extant MSS. are all later than this.

A. S. Napier has already documented the *Cm* poet's debt to this French work for much of his version of the story of the wood of Christ's Cross.⁸ However, Napier, who apparently never saw the French manuscript himself, believed that the Cross-wood section of the *Trad. anon.* was a separate work, unconnected with the paraphrase of *Genesis* and *Exodus* which preceded it in the manuscript.

My recent examination of a microfilm copy of MS. fr. 763 leads me to believe that Napier was wrong. There is no indication in the MS. that the Cross poem is regarded as a separate work. The metre of both parts is similar; the verse paragraphs begin and end with similar capitals and flourishes, while the works preceding and following the *Trad. anon.* do not share these characteristics. At the

5 Kari Sajavaara, 'The Use of Robert Grosseteste's *Château d'amour* as a Source of the *Cursor mundi*', *Neuphilologische Mitteilungen* 68 (1967) 184-93.

In the Old Testament section of *Cursor mundi*, the poet also made extensive use of the Latin *Elucidarium* and *De imagine mundi* of Honorius Augustodunensis. This was first pointed out by Max Kaluza, 'Zu den Quellen und dem Handschriftenverhältniss des *Cursor mundi*', *Englische Studien* 22 (1889) 451-52.

6 Jean Bonnard, *Les traductions de la Bible en vers français au moyen âge* (Paris, 1884), pp. 86-90. Although the title Bonnard gave the poem is misleading, the text in the MS. suggests no better one, so I have retained it, abbreviating the title as *Trad. anon.* throughout this article. Cf. also Hans Robert Jauss, ed., *La littérature didactique, allégorique et satirique* (Grundriss der romanischen Literaturen des Mittelalters 6.2; Heidelberg, 1970), p. 82, no. 1812.

7 See Jauss, *ibid.*, p. 96, no. 1924.

8 Napier, *Holy-Rood Tree*, pp. xxiii-xxxi.

beginning of the *Trad. anon.*, the scribe has left space for a large illuminated capital which the rubricator did not get around to filling in. A similar space is left at the bottom of fol. 277r, for the start of the next work in the manuscript, but no such space appears at the beginning of the Cross section.

The structure of the poem itself also confirms that the two sections belong together. The *Trad. anon.* begins with a versified table of contents, which promises to tell of creation, Adam, Noah, Abraham, Jacob, Moses, judges and kings and 'des apostres et de leur foy'. Between fols. 211r and 243v, the author tells the stories of *Genesis* to the end of Joseph's adventures, and then inserts a formal ending of the book of *Genesis*. After an equally formal opening of the book of *Exodus*, he tells at length of Moses, Caleph, and Joshua, and briefly mentions other judges and kings. At that point, on fol. 267r, there is another formal closing of one section of the poem and opening of another, the part which Napier considered a separate poem on the Cross wood. This presumably is what the table of contents rather eccentrically describes as 'des apostres et de leur foy'. Indeed, the introduction to the section containing the Cross story says it is written 'Si comme li apostre dit'. This part of the poem tells of the adventures of the wood which was used to make Christ's cross, from Moses' finding of three rods until the Crucifixion and the rediscovery of the True Cross by Constantine and Helena. Although the poem does not attempt to translate 'la Bible entière', it does cover a time span which begins with Creation and continues until after the Passion.

A final proof that the two sections of the poem belong together is my discovery that the *Cm* poet has translated quite extensively from the *Trad. anon.*'s paraphrase of *Genesis* as well as from the Cross story. MS. B is not the exact manuscript used by the *Cm* poet, for it is corrupt in places, and is missing several lines which obviously were present in the version the *Cm* poet used. On the other hand, the *Cm* poet could not have used a manuscript of the biblical compilation as copied in MS. A either. Although A is useful for supplying a few lines missing from B, it omits too many lines found in both B and in the *Cm* to be the source for the latter work.⁹

The first time the *Cm* poet indisputably translates a section of the French poem occurs in a description of the harmony in Paradise before the Fall:¹⁰

9 The existence of MS. A does raise the possibility that the *Cm* poet might have been using a similar MS. which combined both Herman's *Bible* and the *Trad. anon.*, but in different proportions. No such MS. is known at present.

10 The following transcriptions of the French are copied from MS. B. The text has been slightly modernized by the addition of apostrophes and accents, and the substitution, where appropriate, of *v* for MS. *u* and *j* for MS. *i*. Abbreviations are expanded in italics, and words supplied in square brackets are conjectural. I wish to express my thanks to Dr. Pierre Kunstmann of the French Department of the University of Ottawa for his generous help with the transcriptions. Any

fol. 214b	fol. 5c	
Laissier m'estuet lou <i>sermoner</i>	I sal tell <i>sumquat</i> of his wele	672
De l'estoire m'estuest <i>conter</i>	Ar he Brak <i>pat</i> god him forbaad	
Adans estoit en <i>grant</i> deport	In mikul blis <i>pan</i> was he staad	
Et de sa fame avoit <i>confort</i>	Of his wijf sa fair and fre	675
	<i>pat</i> mikel mirth was on to se	
Toutes les bestes lou <i>servoient</i>	<i>pe</i> bestes boud him all aboute	
Li oisel a sa main venoient	Als to <i>pair</i> lauerd vnderloute	
Et li poisson sur lou gravel	Fouxl o flight and fiss on sand	
Se jouoient si l'an ert bel	All fell him doun to fote and hand	680
Et revenoient a sa main	At his will <i>pai</i> com and <i>zode</i>	
Comme s'il les peust de <i>pain</i>	Als he war fader o <i>pair</i> fode	
	
Lai est li loux ioste lo aille	Betuix <i>pe</i> wolues lai <i>pe</i> schepe	685
Li <i>uns</i> por lautre ne soumoille	Sauueli moght <i>pai</i> samen slepe	
	fol. 5d	
Li cers de ioste lou lion	Bi <i>pe</i> dere <i>pat</i> now es wild	
	Als lambe him lai <i>pe</i> leon mild	690
Em pais li ours et li <i>grippons</i>	<i>pe</i> gripe alsua biside <i>pe</i> bere	
fol. 214c		
L'un por l'autre ne se remue	Nan best wald til <i>oper</i> dere	
Li lievres ioste lou levrier	<i>pe</i> hund ne harmed noght <i>pe</i> hare	687
.....	Ne nane soght on <i>oper</i> sare	688
	
Chascunne riens riens selonc sa guise	Ilkin thing on serekin wise	695
Rendoit a home son <i>service</i> .	<i>zeld</i> til adam <i>par</i> seruise.	696

This idea owes something to Isaias and something to Petrus Comestor's *Historia scholastica*, but it is very rare in vernacular biblical paraphrases.¹¹

remaining errors are entirely my own responsibility.

Passages from *Cm*, unless otherwise noted, are transcribed directly from MS. Cotton Vespasian A.iii, and may differ slightly from the transcriptions printed by Morris. Abbreviations are expanded in italics; spacing of words conforms to modern practice; and each line begins with a capital, as do most of the lines in the MS. MS. Cotton Vespasian A.iii contains the version of *Cm* which is closest to the poet's original.

11 Cf. Is 11:6-8; Petrus Comestor, *Historia scholastica*, 'Liber Genesis' 23 (PL 198.1074). I have examined all the extant biblical paraphrases in Old English, Middle English and Old French, and many similar works in Latin and in translations from Hebrew. I do not intend to bore the reader by describing where these motifs are *not* found, but I wish to assure him that if I say they are rare, they are very rare indeed.

After this, shorter passages show that the *Cm* poet had the French manuscript in front of him as he composed the story of Adam and Eve, for he used details from *Trad. anon.* here and there:

fol. 214d	fol. 5d	
Lors vit <i>que</i> dieus avoit fait home	Quen sathan sagh þat he was chosin	713
Et sceout en fin <i>que</i> c'ert la somme		
Que hons est fais <i>por</i> reamplir	To win þe blis he had forlosin	
Lou leu don il estoit <i>gerpiz</i>		
Dolans en fu et <i>quist</i> engin	Sorful bicom þat fals file	715
Por quoi li hons ne haust cel bien	And thoght how he moght man biwill	
Et <i>que</i> ce ne fust achevé	Vmthoght o þat thing to stint	
<i>Que</i> dieus en havoit <i>proposé</i>	þat godd til ending god had mint	
Contre dieu fu tant de malaire	Aganis godd wex he sa gril	
<i>Que</i> toute s'euvre vout deffaie	þat al his werk he wend to spil	720
fol. 215b	fol. 6c	
Toutes li firent laide chiere	Son bigan wenganz to kipe	827
	Alle blurded (MS. G lourid) þat was forwit	
	blipe	
Et chascunne se trait arriere	Al bigan to strut and strijf	
Et de lui et de sa moillier	Agains adam and his wijf	830
.....	
De ce vint guerre entre les bestes		
Et si firent les grans melestes		
De ce recut hons <i>premiers</i> mort	Fra þepen first com ded to man	835
	þat fra þat tide al wa bigan	
fol. 215c		
De ce naisquirent tuit li tort	þe wrangwis wit þar waful wrak	
Li mal qui sunt <i>contre</i> [nature]	þar þai biginning gan to tak	
Tuit li pechié toute luxure	Sin and sak and schame and strijf	
	þat now es oueral þe werld sa rijf	840
fol. 215c	fol. 6d	
Sire ne t'an mantirai pas	Lord he said o þis gilt here	877
	Sco es to wite þat es mi fere	
La famme <i>que</i> tu me donas	þat þou me gaf mi wijf to be	
	Ful thrali first sco bedde it me	880
<i>Emprît</i> nos en avons maingié	For sco me bedd witouten blin	
El ma souduit <i>par</i> sun pechié	Sco has me fild wit hir sin	
Mas elle en a eu le tort	Al þat i sai mai sco noght nite	
N'an ai pas desservi la mort.	Forþi agh sco to bere þe wite.	884

Comparison with the French helps to interpret l. 828. *MED* suggests that 'blurded' in *Cm* MS. C was a corruption or possibly an error for 'bleren' and meant 'to cry out, wail; be hostile or threatening'. The French reading of the corresponding line, however, suggests that the reading 'lourid' in *Cm* MS. G is probably original, and that 'blurded' is a corruption of that.

An odd addition to the curse on the serpent in *Cm* also comes from the French:¹²

fol. 215d	fol. 6d	
Et <i>que</i> tout temps soit en froidor	þof þou wald euer haue hat sted	901
Par nature et desirt cholor.	In cald sal euer be þi bedde.	

Much of the curse on the woman and man also resembles the *Trad. anon.*, including the reference to the 'duble dedd' (905), French 'double mort' and also the order to the woman to keep her head covered:

fol. 215d	fol. 6d	
Et <i>por</i> ce <i>que</i> as fait en apert	To sceu þi scath be noght vnkid	909
Hauras tout temps lou chief covert.	þou sal haf euer þi heued hid.	

The murder of Abel is told differently in *Cm* and in *Trad. anon.*, but the scene afterwards is clearly dependent on the French. There, as in *Cm*, Adam sighs when he sees Cain returning and it is he, rather than God, who questions Cain:

fol. 216c	fol. 7d	
Quant ses peres lou vit venir	Til his fader hamward he zeide	1086
De son cuer gita .i. sopir	Quen he eie apon him kest	
Il ne scet pas <i>certainnement</i>	A sighing of his hert brest	
Mas ce cuide par espremant	For mistraving þan had he son	
.....	þat he sum wikcudnes hade don	1090
Biau filz et veis tu ton frere	
	Sun he said to me þou tell	1093
	Quare has þou left þi broþer abell	
Cilz li respont parolle amere	Wit word he answard sun vnmild	
Ai je donc pris <i>mon</i> frere en garde	Quen was i keper of þi child	
	Of him can i sai certain nan	

fol. 216d		
Il va querant ou sa disme arde	Bot he to brin his tend bigan	1098
.....	fol. 8a	

¹² The reference to the serpent's warm nature ultimately comes from a misreading of Gen 3:1 *calidior* 'hotter' instead of *callidior* 'more clever'. Cf. F. S. Ellis, ed., *The Golden Legend* 1 (London, 1900), 'Septuagesima', p. 172: 'Then the serpent which was hotter than any beast of the earth...'.

Atant ez vos lou creatour	Bot þarwit com our creature	1119
Qui vint parller au traitor	For to spek wit þat traiture	1120
.....	
Cayn ou est abel ton frere	Caym war es þi broiþer abell	1123
Ne scei sire mas a son pere	I wat neuer said he þat fell	
Lou demandez qu'on va querant	Ask his fader now ware he be	
Je n'ai pas en garde l'anfant	For he was not bitaght to me	
Cayn por quoi as tu ce fait	Bot tell me suith sir cayn	
	Wy has þou þi broiþer slain	
Ses sans plore de terre et brait	His blod on erth sced lijs	
Et me quiert vaingence de t'ovre	Efter wrak to me it crijs	1130
	It fines not at wrak to cri	
Ta felonie se descuevre	For to sceu þe felunny	
Je ne t'an clamerai pas quite	Thoru þe wark sa ful a plight	
En t'euvre ert la terre maldite	Erth þou sal be maledight	
Qui recut lou sanc de ta main	þat reseued þi broþer blode	
Apeinnes te rendra mais pain	Wit pine it sal þe zeild þi fode	
Por la toe grant felonie	For þe mikel felunny	
Devanra fromans jargerie	þi wete sal bicom zizanny	
Et por tes autres semoisons	Insted o þi nother sede	
Aura es-(fol. 217a) pines et chardons	Ne sal þe groue bot thorne and wede	1140
Tes cuers a felenesse veinne	For þi nedeles wickedhede	
Tu vivras mais toz iours a peine	þou sal lede euer þi lijf in nede	
.....	fol. 8b	
Cayns voit qu'il est descovers	Caym sagh his sin was knaud	1161
Et que ses pechiés est apers	And wist þat þe erth had scaud	1162
.....	
Tant par est grans ma felonie	I am ouertan wit sli treson	1167
Que ne doi mie havoïr pardon	þat i agh not to haf pardon	
Qui sui repris de traison	I sal be flemed for mi sin	
En autre terre m'an furai	In vncuth land to won ai in	1170
Por mon pechié me crilleraï	In vncuth lede sal end mi wa	
Et por mon pechié me occirront	Quen þai me fin þai wil me sla.	
Tuit icil qui me troveront.		

Particularly striking is the way both describe the mark of Cain:

fol. 217a	fol. 8b	
Niert pas ansinc com tu l'as dist	Nai said our louerd it beis not sua	1175
	All þat þe sees sal þe not sla	
En fronc te metrai un escrist	Bot i sal seit on þi mi merk	
	þat al sal see to red als clerk	
Qui te verra qu'il ne te toiche	Sal nan sa bald be þe to sla	
[Mais conoisse ta felonie] (MS. A).	Bot þi falshede to were þam fra.	1180

This description of the mark of Cain as a letter or a piece of writing is a Jewish tradition found in works of the tenth to the twelfth centuries,¹³ but nowhere else that I know of in either English or French literature.

Parts of the story of Noah's ark show that the *Cm* poet still kept *Trad. anon.* before him:

fol. 219c	fol. 11b	
Or ot noez heu <i>commandemant</i>	Now wat sir noe quat wark to do	1723
Ala ou bois fist son atornemant	And hent timber þat fel þar to	
Prist la mesure et loua les ovriers	He gaf þe wrightes þar mesure	
Et il meismes fuit maistres charpentiers	And wroght he self in þat labore	
	(cf. l. 1666)	
Ouvra ou bois <i>primes</i> et puis en place	þai wroght bath in wod and place	
Ses filz ajoste et alie et enlace	He self festnid bath band and lace	
Et ses voisins <i>resermone</i> et si plore.	Ai toquils þat he sa wroght	
	þe folk to preche forgate he noght.	1730

The tradition that Noah preached to the onlookers while building the ark is an ancient one.¹⁴ However, it rarely occurs in English or French paraphrases except in the *Cm* ll. 1729 ff. and *Trad. anon.*¹⁵ The *Cm* poet does not translate the French directly here, but the French poem is nonetheless clearly his source for this motif.

The poems continue:

fol. 220d	fol. 12d	
De <i>quunque</i> terre vos rendra de son gré	And zeildes til your creatur	1985
Et de labors rendez la disme a deu	þe tend part o your labour	
.....	
fol. 221a	fol. 12c	
Se maingiez char lou sanc en espandez	Quasum o fless wil <i>grait</i> þair fode	1953
	Lok þai cast away þe blod	
	All þat will hald lely þair lede	
Ie vos deffan <i>que</i> de sanc ne goustez	Blod at ete i þam forbede	
Dou tout en tout <i>vos</i> est sans deffenduz	O beist has clouen fote in tua	
Bestes qui <i>rungent</i> et ont les piés fenduz.	An chewand cude zee ete o þaa.	1958

13 Cf. *Pirkê de Rabbi Eliezer*, trans. Gerald Friedlander (London, 1916; rpt. New York, 1970), chap. 21, p. 156; M. Rosenbaum and A. M. Silberman, eds., *Pentateuch with Targum Onkelos, Haphtaroth and Rashi's Commentary* 1 (New York, n.d.), p. 19.

14 See Jack P. Lewis, *A Study of the Interpretation of Noah and the Flood in Jewish and Christian Literature* (Leiden, 1968), pp. 102-103.

15 Cf. the Old English *Genesis*, ll. 1317-19 in George Philip Krapp, ed., *The Junius Manuscript* (New York, 1931), and Whitley Stokes, ed. and trans., *The Creation of the World* (London, 1864), ll. 2294 ff., 2346 (Cornish).

Large portions of the story of the Tower of Babel in *Cm* can also be traced to the *Trad. anon.*:

fol. 222a	fol. 14a	
Force ne aide ne faire ne doner	þat tim it was bot a langage	2210
Por ce ama deus et li et abraham		
Iceli laingue <i>que</i> scot <i>primes</i> adam	Hebru þe first þat adam spak	
Lor laissa deus a icele lignie		
Laingue de hebre onques ne fu changie		
fol. 221c	
Molt <i>par</i> fuit biaux lou cuer ot ploid de fiel	A fole conseil tok þai and son	2217
Par son orguil vot faire guerre ou ciel	To werrei on þe son and mone	
.....	
En celei prist membrot <i>herbergerie</i>	Sexti ouermen þai war	2214
lxxii ot en sa <i>compaignie</i>	Wit nembrot com þai for to duell	
.....	
Dont il penssent lou ciel <i>par</i> force panre	Godd we sal conquer wit fight	2233
<i>Que</i> damedeus ne lur peust deffendre	Again vs sal he hawe na might	
fol. 221d	
<i>Par</i> ce deluve ice est <i>commancié</i>	How to wer þam fra þe flode	2227
Se il revient <i>qu'il</i> ne soient noié	þat drunand al þe world oueryode	
.....	fol. 14b	
Et <i>qu'a</i> a grant poine poient souffrir le þe hette o þe sun moght þai noght dre		2248
chaut		
Font couverture sur aus por le solier [read þarfor most þai þam hide		
solel]		
De cuer de buief et de cuer de chamel	Bath wit hors and camel hide	
.....		
Ia dient tuit vuille deus vuille ou <i>non</i>	And said quedur godd be wrath or blyth	
Verront le ciel et deu en sa maison	His esters sal we see ful suyth	2252
.....	
Si <i>que</i> li uns de l'autre n'antendoit	þat naman oþer vndirstode	2260
Ne sa parole ne signe <i>qu'il</i> facoit	O his spece wat he wald sai	
Quant la parole fu a chascun <i>changie</i>	þar tungen ware delt fra þat dai	
Esbahi sunt si hont l'euvre laissie	For scham ilkan þat werk þai left	
O lour vergoigne s'an vont		
fol. 222a	
Devant n'avoit ou monde <i>que</i> i langaige	þe first bot an was and nama	2269
Sesante & ii en fut <i>par</i> cel outraige	Now er þar speches sexti a[nd] tua	
.....	

Li aignés filz noe et sa lignie
N'ot pas este en iceste menie.

And at þis werk was not sem
Na naman of his barntem.

2279

Note that the *Cm* poet says that Noah's descendants numbered sixty (1.2132), that sixty workmen built the Tower of Babel (1.2214), but sixty-two speeches resulted (1.2270). The number should in each instance be seventy-two, for the Vulgate text of Gen 10 enumerates fifteen descendants of Noah in Japheth's line, thirty in Ham's and twenty-seven in Shem's. Seventy-two is the number commonly found in exegesis of this story. The *Cm*'s error seems to come from the one place in the *Trad. anon.* where the French poet gets the number wrong, in the line corresponding to *Cm* 2270 in the above passage.

The story of Abraham opens with a quotation from *Trad. anon.*:

fol. 222a

fol. 14d

[Abraham] Qui fu *prodons* et (fol. 222b) Of abraham now wil we drau
bien tient la viés loy

2315

Et fuit racine de crestiene foi
Je ne dirai ne fable ne chancon
Mas la promesse de notre reancon.

Ðat rote es of cristen lau
I sai forþi he es þe rote
For of his oxspring bred our boute.

2318

The manuscript used by the *Cm* poet may have had 'loi' instead of 'foi' in the second line. The extant French reading 'foi' is undoubtedly correct, however, for Abraham is everywhere praised for his faith and obedience and is not connected with lawgiving.

Echoes of *Trad. anon.* occur throughout the story of Abraham, but they become pronounced once more in the story of the war of the kings, which the *Cm* poet greatly altered from Gen 14:

fol. 223d

fol. 15c

Illuc tendi *premiers sun* tabernacle
Hastivemant fit deus por lui miracle
Devant avoit guerre en icellui pais

þar he seit his tabernacle
þar god for him did *sum* meracle
þare had a were ben in þat land
þat had lasted *sumdel* lang

2489

V roy estoient *encontre* iiij pris
.....

Four kinges werraud apon fiue
þe fiue again þe four to striue

En i *grant* val joste vne betumoie

Bitid a stund þai samen smate

2495

Et santredonent fierement es escuz

In a dale biside a wate

Que *par* les iiij sunt li v roy vaincuz

Sua lang þai heu on helme and sceild
þe four on fiue þai wan þe feild

2498

fol. 224a

fol. 15d

Quant abrahans ot entendu la novale
Prant ses sergens ensamble les apelle
Tot est a ioste iii et xviiij

Quen he herd þan o þis tyþand

2514

He did to geder samen his men

Thre hundret aght sariants and ten

2516

fol. 224b	
De sa <i>compaignie</i> a fait double bettaille	And þar he delt his folk in tua	2521
Que de ij <i>pars</i> requierent et assaillent		
.....	
Et tot enmoine l'avoir et les <i>prisons</i>	Deliuerd <i>prisuns</i> all and loth	
	Wit al þe catell ilk crot	2528

The poets have this to say of Melchisedech:

fol. 224b	fol. 15d	
La disme tote de <i>grant conqueremant</i>	O þair conquest he tok þe tend	2540
.....	
A icel temps estoit de la loi maistres	O ierusalem and all þat land	2537
Iherusalem tenoit s'en estoit maistre et	Was <i>prist</i> and king al weldand.	
<i>prestres</i> .		

Further short passages can be cited before the *Cm* poet begins to translate extensively again in the story of Isaac:

fol. 225d	fol. 17a	
La ville <i>cerche</i> bon home n'i trova	... bot þar was nan	2761
Fors <i>que</i> seul loth o lui se <i>herberga</i>	Was funden lele bot loth allan	
fol. 226b	
De elles naisquirent ij (fol. 226c) anfant de	O þaim becom sua wiked lede	2953
<i>malaire</i>		
Onques ne voudrent deu amer ne bien faire	þat noþer drou to dughtihede	
Plusor le dient et ie nou desdi pas		
Que lor hoir tienent escaloigne et damas	Til a sted þat hight damas	
Iherusalem ont toz iours guerroe	þiderward þair wonnyng was	
Il a lor vie après ans lor lignie	O mani man þof þai war gode	
De maint <i>prodome</i> ont le sanc espandu	þai reft þam aght and spilt þair blode	2958
fol. 227c	fol. 18d	
Ne fust l'anges michielz <i>qui</i> descent a la	An angel com and said agar	3061
porte		
Qui <i>parolles</i> li li dist d'ou il la <i>reconforte</i>		
Pourquoi plores agar tu es fole et vilainne	Quat dos pou wi mas pou sli car	
.....	Drightin has herd þi barn cri	
	Rise and tak it up forþi	
Bois de ioste toi sodore vne clere fontaine	pou lede him yonder er yon lind	
	For þar a wele þan sal pou find	
Et en cel aubre ha fruit mas la tige en est	On þat tre hinges frut ful gode	
plainne	For þe and þi child fode.	3068

Va et si en *pran* et l'andone l'aigue li est
 molt saine
 Deus a oi l'anfant et scet *que* il s'anfut.

Compare Gen 21:17-19 where the angel does not tell Hagar about the water and the fruit is not mentioned at all.

The story of the search for a bride for Isaac is abbreviated in *Cm* as compared with Gen 24. Verbal echoes of *Trad. anon.* are found quite often:

fol. 228a	fol. 19c	
Illec ert seveli li premier hons adans Quant abrahans ot sarre sa femme en- sevelie	þar formast was grauen adam	3214
Et scot <i>que</i> il n'ot mais lonc terme de (fol. 228b) sa uie	Abraham wald in his lijf	
A ysaac sun fil vuet <i>querre</i> compaignie	þat ysaac had wedded a wijf	3216
Vn suen sergent havoit ou il ot <i>grant</i> boi- die	A sargiant call þan comand he	3221
Par molt fort sairement a sun consoil l'alie	þat mast wist of his priuete	
fol. 228c	fol. 19d	
Vne en i hot molt bele <i>qui</i> ne vint pas riant	O maidens sagh he cum on raw þe formast was vnlaghter milde	3282
fol. 229a	fol. 20b	
Li sergens le cognut se li monstre a consoil	þe sargant did hir dun to light	3363
Lors se vest et affuble d'un bon mantel vermoil.	For to tak hir better dight Sco belted hir bettur on hir wede Wit mantel clad obouen o rede.	

This passage is particularly significant as the red robe does not appear elsewhere. Petrus Comestor in the *Historia scholastica*, in fact, specifies that the robe was white.¹⁶

Ll. 3387-93 demonstrate an error in the Old French manuscript which can be corrected by referring to the *Cm*:

fol. 229a	fol. 20b	
Sa darrienne femme ot en nom securra	Abraham efter dame sarra	3387
	Tok a wijf hight cethura	
	Of hir he had a sun madan	
	And anoiper hight madian	3390

¹⁶ Petrus Comestor, *Historia scholastica*, 'Liber Genesis' 61 (PL 198.1107).

Ne fut pas lealté *que* avec li se ajosta Noght for na lust of licheri
 Enfens en vot havoïr ce nos senefia Bot þat his sede suld multipli
 Que deus ot en cest mont plusors anfans et Als godd him had lang befor hight.
 ha.

The word 'lealté' here undoubtedly appeared correctly as 'licherie' in the manuscript which the *Cm* poet used. Augustine makes the same excuse for Abraham's liaison with Hagar.¹⁷

The final undoubted borrowing of *Cm* from the *Trad. anon.* occurs at 1.3731. In Gen 27:33-34, Isaac trembles on hearing of the misplaced blessing, while Esau cries out. In *Cm* and *Trad. anon.*, it is Isaac who groans:

fol. 230b	fol. 22a	
Ysaac se mervoille fait exclamantion.	Wit þis gaue ysaac a grane.	3731

* * *

The passages of *Cm* and *Trad. anon.* which have been compared in this article clearly demonstrate that the Middle English poet had a copy of the *Trad. anon.* close by him when he was composing the *Genesis* section of his work. He does not translate from *Trad. anon.* nearly as extensively or continuously as he does from the *Bible* of Herman of Valenciennes, but several of the motifs which he took from *Trad. anon.* are so rare in mediaeval exegesis as to prove the debt beyond doubt. At this stage, one can only speculate about where the Old French poet found them.

Ottawa.

¹⁷ Augustine, *De civitate Dei* 16.25 (CCL 48.529).

PRE-CAROLINGIAN SEIGNEURIAL OBLIGATIONS
IN *LEX ALAMANNORUM* XXI-XXII, 1
AND THEIR RELATIONSHIP
TO THE ST. GALL CHARTERS (754-770 A.D.)

Theodore John Rivers

OBLIGATIONS of the medieval seigneurie were essentially twofold, divided into agricultural tribute (*tributum*) and manorial service (*servitium*). These obligations became standardized in the Carolingian age as did the concept of the medieval seigneurie itself; they did not achieve the level of standardization before that time. However, it is possible to view the gradual development of the Carolingian seigneurie by using as sources the Germanic legal codes and charters (cartularies) of private bequests preserved in monastic records.

The best evidence of the impending standardization of the Carolingian seigneurie is evident in three south Germanic laws, *L. Baiu.* I, 13 (of the Bavarian laws) and *L. Alam.* XXI-XXII, 1 (of the Alamannic laws). Of these three laws, *L. Baiu.* I, 13 supplies more information and is the more important source.¹ For matters of chronology, it should be noted that *L. Alam.* XXI-XXII, 1 appeared between 717-719 when the Alamannic laws (*Lex Alamannorum*), in which they are found, were promulgated. The exact date for the promulgation of *L. Baiu.* I, 13 is disputed; although the Bavarian laws (*Lex Baiuvariorum*) are believed traditionally to have appeared in the mid-eighth century (744-748 according to Heinrich Brunner²), *L. Baiu.* I, 13 may be a later addition, perhaps as late as 770.

L. Baiu. I, 13 describes the obligations of two types of manorial tenants, both ecclesiastical; one type was free (*coloni*), and the other slave (*servi*). *L. Alam.* XXI describes the obligations of church *servi* only; *L. Alam.* XXII, 1 concerns only church *coloni* (not enumerating their obligations but simply equating such

1 A detailed study of the seigneurial obligations of *L. Baiu.* I, 13 with comparison to *L. Alam.* XXI is given in my 'Seigneurial Obligations and "Lex Baiuvariorum" I,13', *Traditio* 31 (1975) 336-43.

2 *Deutsche Rechtsgeschichte*, 2nd edition, 2 vols (Leipzig, 1906), I.462.

obligations with those of *coloni* in the employ of royal domains). The obligations (tribute and service) of ecclesiastical *coloni* and *servi* as described in these laws were not substantially different, and this situation characterized the typical manor in the early Carolingian (ninth-century) age when both *coloni* and *servi* merged as the medieval serf. The fact that obligations of *coloni* and *servi* were already parallel in the pre-Carolingian age in *L. Alam.* XXI-XXII, 1 and *L. Baiu.* I, 13 indicates that seigneurial obligations ascribed to the Carolingian age began to make their appearance before the time they are believed to have appeared. Did *L. Alam.* XXI-XXII, 1 (predating *L. Baiu.* I, 13) present an accurate picture of the seigneurial obligations later characterized by the Carolingian seigneurie? To answer this question, we need sources which not only pertain to eighth-century Alamannia but also describe manorial conditions. Fortunately, much valuable information is extant in the charters of the monastery of St. Gall, situated as it happens in Switzerland, a region subject to and colonized by the Alamans (Alamanni) from the late fifth and early sixth centuries. Though the earliest of these dates from the year 700, the first St. Gall charter which renders information about seigneurial obligations in Alamannia was written in 754. (All charters between 754-770 which describe seigneurial obligations for lands donated to St. Gall are included in this study. The year 770 has been selected as a terminal point because in this year the Bavarian synod of Dingolfing is accredited by some authorities with introducing *L. Baiu.* I, 13 into the Bavarian laws.³ Politically, of course, Alamannia became a part of the Frankish empire by 730, when the last duke, Lantfrid, died.)

If *L. Baiu.* I, 13 was introduced after the Bavarian laws themselves were promulgated, it is believed that the seigneurial obligations required from manorial tenants in Bavaria were influenced by Frankish legislation, since Bavaria was increasingly subject to foreign (that is, Frankish) influence at that time.⁴ The Frankish legislation in question originated much earlier than the time

3 In particular, see Konrad Beyerle, ed., *Lex Bajuvariorum: Lichtdruckwiedergabe der Ingolstädter Handschrift des bayerischen Volksrechts* (Munich, 1926), pp. lxxxviii-lxxxix.

4 Although it is believed that the inclusion of viticulture must show foreign (that is, Frankish) influence in *L. Baiu.* I, 13, there is no conclusive evidence for this assumption from the Bavarian laws themselves. This is particularly true for the discussion by Heinrich Brunner ('Über ein verschollenes merowingisches Königsgesetz des 7. Jahrhunderts', *Sitzungsberichte der Berliner Akademie* 39 (1901) 941, reprinted in his *Abhandlungen zur Rechtsgeschichte. Gesammelte Aufsätze*, ed. Karl Rauch, 2 vols. (Weimar, 1931), 1.609). Brunner's argument is also upheld by Charles Edmond Perrin, *Seigneurie rurale en France et en Allemagne du début du IX^e à la fin du XII^e siècle* (Paris, 1966), p. 88, who correctly assesses title XXII of the Bavarian laws ('Concerning orchards and their compensation') as showing a total absence of any discussion of vineyards with gardens, fruit trees, and shrubs, but completely ignores two Bavarian laws, XII, 3 and XIV, 17, which indicate the presence of vineyards in Bavaria. There are also several references to vineyards in the St. Gall charters. For the period studied in this paper, these charters are nos. 3

L. Baiu. I, 13 is believed to have been influenced by it. This is the precept of Chlotar II (*Chlotharii II Praeceptio*, 584-628 A.D.), article 11:

We grant to churches [the right to receive] grain taxes and pasture taxes and tithe of pigs so that no official or tithe collector may enter church property to collect taxes for the royal fisc. Let no one impose any tax by public authority on churches or clergy who have been granted immunity by our father or grandfather.⁵

Although the foregoing article lists *agraria* (grain taxes), *pascuaria* (pasture taxes), and *decima* (tithe of pigs), it does not describe other types of agricultural commodities such as beer, bread, poultry, eggs, or similar products as tribute nor does it describe service. Actually, the underlying purpose of article 11 was to prohibit public officials from imposing taxes on churches; the prohibition of such taxes constituted an ecclesiastical immunity. Although there may be a direct correlation between *L. Baiu*. I, 13 and Chlotar II's precept as far as *agraria* and *pascuaria* are concerned, there are no other similarities. If article 11 of Chlotar II's precept was simply adapted to ecclesiastical estates in Bavaria, as Franz Beyerle⁶ contends, are we to believe that the simple agricultural produce and service were also adapted? Without evidence, are we to make the inference? At the same time, *L. Alam.* XXI-XXII, 1 are not believed to be influenced by Chlotar II's precept,⁷ since there clearly is no evidence for this assumption from the laws themselves; yet the seigneurial obligations described in *L. Alam.* XXI-XXII, 1 and *L. Baiu*. I, 13 are so strikingly similar. Since the seigneurial obligations of *L. Alam.* XXI-XXII, 1 and *L. Baiu*. I, 13 were similar in many respects except for *agraria* and *pascuaria*, it would surely be more reasonable to assume that *L.*

(716/720 A.D.), 14 (751), 15 (752), 21 (757), 23 (758), 33 (762), and 38 (763).

All references to the St. Gall charters in this paper are derived from Hermann Wartmann, ed., *Urkundenbuch der Abtei Sanct Gallen* I (Zürich, 1863). Charters are cited in this paper by number in Wartmann's edition and not by page reference. Select charters also appear in Albert Bruckner and Robert Marichal, eds., *Chartae Latinae antiquiores. Facsimile-edition of the Latin Charters prior to the Ninth Century*, part 2: *Switzerland: St. Gall-Zurich* (Olten-Lausanne, 1956), in which charters are reproduced in collotype accompanied with complete transcription. The St. Gall charters are also collectively called the *Traditiones Sangallenses*.

There is no winepress in *L. Baiu*. I, 13 as I have given in 'Seigneurial Obligations', 341. The winepress should be deleted and enclosure (*tunimus*) substituted.

⁵ 'Agraria, pascuaria vel decimas porcorum aecclesiae pro fidei nostrae devotione concedemus, ita ut actor aut decimatur in rebus ecclesiae nullus accedat. Ecclesiae vel clericis nullam requirant agentes publici functionem, qui avi vel genitoris nostri immunitatem meruerunt' (Alfred Boretius, ed., *Capitularia regum Francorum* [MGH *Legum sectio* II.1; Hanover, 1883], p. 19).

⁶ 'Die süddeutschen Leges und die merowingische Gesetzgebung. Volksrechtliche Studien II', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 49 (1929) 319. Also see Wolfgang Metz, *Das karolingische Reichsgut. Eine verfassungs- und verwaltungsgeschichtliche Untersuchung* (Berlin, 1960), pp. 73-74.

⁷ Ernst von Schwind, 'Kritische Studien zur Lex Baiuvariorum', *Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde* 33 (1908) 613.

Alam. XXI-XXII, 1 had a stronger influence on *L. Baiu.* I, 13 than did *Chlotharii II Praeceptio*, article 11. Likewise, there is no evidence that *L. Alam.* XXI-XXII, 1 were a younger *Lex adaptata* of article 11 of *Chlotharii II Praeceptio*, as Beyerle⁸ believed.

What do the two Alamannic laws in question say? *L. Alam.* XXI says:

Church slaves should render as their lawful tribute the following: fifteen measures of beer, a pig worth one tremissis, two bushels of bread,⁹ five chickens, [and] twenty eggs. Maidservants, however, should do their servile work without neglect. Let slaves keep half the crops for themselves and render half to their masters. And if there is more work, let the ecclesiastical slaves work three days for their masters and three days for themselves.¹⁰

L. Alam. XXII, 1 says:

However, concerning ecclesiastical freemen, whom they call *coloni*, let them render all things to a church just as the *coloni* of the king do. If anyone refuses to pay lawful tribute ordered by his judge, let him be liable for six solidi. And if he does not fulfill the work that is required of him in the manner the law requires, let him owe six solidi.¹¹

L. Alam. XXII, 1 follows XXI directly in the Alamannic laws; no law is interpolated between them. It is obvious from a simple reading of these two laws that (a) ecclesiastical slaves (*servi*) rendered tribute (beer, a pig, bread, chickens, and eggs) and service ('three days for their masters') and (b) ecclesiastical freemen (*coloni*) also rendered tribute (not enumerated) and service ('the work that is

⁸ 'Die süddeutschen Leges', 318.

⁹ This may be not two bushels of bread, but two bushels of wheat, which were used to make bread. Cf. Konrad Beyerle, 'Neuere Forschungen zur Wirtschaftsgeschichte der Ostschweiz und der oberrheinischen Lande', *Zeitschrift für die Geschichte des Oberrheins* N.S. 22 (1907) 115.

¹⁰ 'Servi enim ecclesiae tributa sua legitime reddant: quindecim siclas de cervisa, porco valente tremisso uno, pane modia duo, pullos quinque, ova viginti. Ancillas autem opera inposita sine neglecto faciant. Servi dimidiam partem sibi et dimidiam in dominicum arativum reddant; et si super haec est, sicut servi ecclesiastici ita faciant tres dies sibi et tres in dominico' (Karl Lehmann, ed., *Leges [Lex] Alamannorum* [ed. Karl August Eckhardt (MGH *Legum sectio* 1/5.1; Hanover, 1966)], pp. 82-83). Cf. Karl August Eckhardt, ed., *Leges Alamannorum*, vol. 2: *Recensio Lantfridana (Lex)* (Germanenrechte neue Folge, westgermanisches Recht 6; Witzenhhausen, 1962), p. 32. This English translation is derived from my *Laws of the Alamans and Bavarians* (Philadelphia, 1977), p. 73. The translation given above and the Latin original given here (as well as for *L. Alam.* XXII, 1 below) are based on the *Lex Alamannorum Lantfridana* tradition of the Alamannic laws.

¹¹ 'De liberis autem ecclesiasticis, quod colonus vocant, omnes sicut et coloni regis ita reddant ad ecclesiam. Si quis legitimum tributum antesteterit per iussionem iudicis sui, sex solidos sit culpabilis. Et opera, quidquid eius inposita fuerit secundum mandatum, aut quomodo lex habet, si non adimpleverit, sex solidos sit culpabilis' (Lehmann, *Leges Alamannorum*, p. 83). Cf. Eckhardt, *Leges Alamannorum*, p. 33. This English translation is derived from my *Laws of the Alamans and Bavarians*, pp. 73-74.

required of him'). This is clearly evident in both laws, both believed to be promulgated in 717-719. Although it is usually held that slaves rendered only service and *coloni* rendered only tribute before the dawn of the Carolingian seigneurie, this view must now be modified.¹²

Do *L. Alam. XXI-XXII*, 1 present an accurate picture of the seigneurial obligations later characterized by the Carolingian seigneurie and is this substantiated by the St. Gall charters? There are thirteen St. Gall charters appearing between 754 and 770 which cast light on this question, and all of these charters furnish detailed descriptions of either tribute or service, or both. Of these charters, three describe the seigneurial obligations of farms without slaves, and the remaining ten describe those obligations of farms with slaves.¹³ Since these charters appeared later than *L. Alam. XXI-XXII*, 1, there might seem to be no conclusive evidence that the seigneurial obligations required by the earlier Alamannic laws were still applicable to the charters at the time they were drawn up; however, the applicability of the requirements in *L. Alam. XXI-XXII*, 1 is substantiated by the last revision of the Alamannic laws, known as the *Lex Alamannorum Karolina*, believed to have appeared in 788,¹⁴ and containing the same seigneurial conditions as the two earlier redactions, the *Lex Alamannorum Lantfridana* and the *Lex Alamannorum Hlotharii* (both datable to 717-719).

The predominant term for agricultural tenant in these charters is *mancipium* (pl. *mancipia*), a term pertaining to indentured slaves, that is, slaves whose principal function was to cultivate land. Of the ten charters which refer to slaves, five use only *mancipium*, one uses only *servus*, and three use both *mancipium* and *servus*. The only exception is one charter (no. 55) which uses *ancilla* (female slave),

12 The traditional view in large part is supported by, among others, Fustel de Coulanges, *Recherches sur quelques problèmes d'histoire*, 4th edition (Paris, 1923), p. 155; Philippe Dollinger, *L'évolution des classes rurales en Bavière, depuis la fin de l'époque carolingienne jusqu'au milieu du XIII^e siècle* (Paris, 1949), p. 213; and Georges Duby, *Rural Economy and Country Life in the Medieval West*, trans. Cynthia Postan (Columbia, S.C., 1968), p. 31.

13 The seigneurial obligations described in these thirteen charters are summarized in the appendix. Cf. Georg Caro, 'Studien zu den älteren St. Gallen Urkunden. Die Grundbesitzverteilung in der Nordostschweiz und den angrenzenden alamannischen Stammesgebieten zu Karolingerzeit', *Jahrbuch für schweizerische Geschichte* 27 (1902) 301-303 and 309-10, who furnishes two charts for all St. Gall charters supplying seigneurial obligations from 700-800 A.D., and which are divided into individual villages with and without slaves and several villages with slaves.

Most of these charters concern land given under precarial tenure (*precaria*), which was property conferred on some condition, meaning in the St. Gall charters that the property was allowed to the donor for use during his lifetime, after which time it reverted to the donee. Benefice (*beneficium*) is another term used in these charters for *precaria*, although it is actually a particular kind of *precaria*. Reference to *beneficium* is also evident in the Alamannic laws, particularly in *L. Alam. II*, 1.

14 Karl von Amira, *Germanisches Recht*, 4th edition, ed. Karl August Eckhardt, 1 (Grundriss der germanischen Philologie 5.1; Berlin, 1960), p. 59. For *Lex Alamannorum Karolina XXI*, see Johannes Merkel, ed., *Lex Alamannorum Karolina sive reformata* (MGH Legum 3; Hanover, 1863), pp. 137-38 (numbered as XXII).

but has no term for male slave; yet there must have been male slaves on the farm described in charter no. 55, since agricultural tribute was required, and it is doubtful that female slaves were expected to produce this by themselves. In those charters without reference to slaves we may certainly assume an absence of slaves on the property referred to. Slaves were regularly listed as a certain type of property and were enumerated along with other agricultural possessions such as houses, farmyards, fields, meadows, woods, orchards, and waterways. Since slaves, therefore, were such important possessions, they would undoubtedly have been mentioned whenever property was being described. There is strong belief, therefore, that their absence from individual charters indicated their absence from an individual's farm. Moreover, nowhere does the term *colonus* (indentured freeman) appear in these charters which described both tribute and service for the years 754-770; yet farms without slaves must have been cultivated by *coloni*. *Servus*, not *mancipium*, is the term used in *L. Alam.* XXI.¹⁵

The land granted in these charters was returned to the original donors on condition that they fulfilled certain obligations to the monastery of St. Gall. The return of the property to the donor assured that he would have land from which to derive an income the rest of his life. It can be said that the slaves described in these charters necessarily worked the land and were responsible for the seigneurial obligations of tribute and service. It follows from the argument given earlier that land not worked by slaves was worked by other individuals, such as *coloni*, even if they were not specifically identified in these charters. We may assume in most cases that the donor worked his own land in conjunction with what tenants he possessed. The return of the land to the original donor (which constituted a benefice) indicated that he needed to farm this land in order to derive a living from it. None of these donors appears sufficiently wealthy to have made an outright gift of land and to have also retained other property from which to derive a living. The donors appeared to have given all they possessed, which was not extensive, when making a bequest.

There are six St. Gall charters which describe both tribute and service, and of these, five charters (nos. 18, 24, 33, 39, and 56) concern farms with slaves, and only one charter (no. 29) concerns a farm without slaves. The five charters which concern farms with slaves all required beer, bread, and a pig, although their quantity varied. Charter nos. 18, 24, 33, and 56 required thirty measures of beer, whereas charter no. 39 required twenty; charter nos. 18, 24, and 33 required forty loaves of bread, whereas charter no. 56 required thirty and charter no. 39 required one maltrum (or maldrum, that is, a dry measure equal to four bushels)¹⁶

¹⁵ Nevertheless, *mancipium* is often used in the Alamannic laws, and the law appearing directly before *L. Alam.* XXI uses *mancipium* as well as *servus*.

¹⁶ Hermann Bikel, *Studie über die Wirtschaftsverhältnisse des Klosters St. Gallen von der*

of bread. All charters required a pig worth one tremissis (which is one third the value of a solidus), except for charter no. 39, which required a pig worth one saiga (which is one fourth the value of a tremissis). The only exception to these five charters where tribute is concerned is charter no. 18, which required thirty bundles of linen in addition to the tribute already described.¹⁷ The service obligations of these charters were more varied than their tribute obligations. Charter no. 18 required the service of plowing two juchus (that is, the amount of land which could be plowed by a two-oxen team in one day) each year and to harvest and transport the land's crops. In addition, other non-enumerated service was expected with this donation whenever there was need ('ubi opus est'). Charter nos. 24 and 33 each required a three-day service of one man annually. Charter no. 39 required a two-day service for cutting and harvesting hay, plus one day's plowing by one man, another day's plowing in the month of June, and yet another day's plowing and sowing in autumn. Therefore, the total number of days required by charter no. 39 was five.¹⁸ No other charter describing both tribute and service gives so high a service obligation as this. Lastly, the service obligations given in charter no. 56 are specified in such a way that tenants were obliged to make themselves available whenever crops needed harvesting. The only charter which states both tribute and service obligations for a farm apparently not worked by slaves is no. 29, and that required thirty measures of beer, forty loaves of bread, one pig worth a tremissis, two chickens, and a ram worth a saiga. A two-day service was required: one day for making hay and another day for harvesting it.¹⁹ Although there are minor differences for both tribute and service for

Gründung bis Ende des XIII. Jahrhunderts (Göttingen, 1914), p. 133, equates two bushels of wheat with thirty to forty loaves of bread. If two bushels equal thirty to forty loaves of bread, then one maltrum (four bushels) should equal approximately sixty to eighty loaves.

17 Charter no. 18 (754 A.D.): '... et pro istas res proservire volo annis singulis, hoc est XXX seglas cervesa, XL panis, frischenga tremesse valiente et XXX mannas...'. Charter no. 24 (759 A.D.): '... et annis singulis persolvam censum inde, id est cervisa siclas XXX, panes XL, frisginga trimissa valente, ...'. Charter no. 29 (761 A.D.): '... censum ad ipsa ecclesia sancti Galloni vel rectores ejus exsolvere debias, id est trigenta siclas cirvisa et quaranta panis, friscincas tremissale et pullus duos, in quisqua sicione saigata (*sic*) una ares...'. Charter no. 33 (762 A.D.): '... et annis singulis per conventum vestrum censum solvam et filius meos post obitum meum, hoc est cervisa siglas XXX, panes XL, frisginga trimisse valente, ...'. Charter no. 39 (763 A.D.): '... Et dum ego advivo, dabo ad ipsa casa Dei supernominata censum annis singulis, hoc est cervice siclas XX, maldra panis et frisginga saiga valente, ...'. Charter no. 56 (770 A.D.): '... et censum eis exinde persolvam, id est per singulos annos XXX siclas de cervisa et XXX panes et frisginga tremisso valente, ...'.

18 Caro, 'Studien,' 309, does not list the three additional days for charter no. 39; he only gives the two days for cutting and harvesting hay. The correct number of days is given in Frederic Seebohm, *The English Village Community*, 4th edition (London, 1905), pp. 319-20.

19 Charter no. 18: '... et arare duos jochos in anno et recollegere et intus ducere et angaria, ubi obus est...'. Charter no. 24: '... unius hominis anni vertente operas tres; ...'. Charter no. 29: '... et hoc medas et intos ducas et jurno secare facias et alio colias et intus ducas, ...'. Charter no. 33:

these six charters, which is to be expected, there is some uniformity regarding the type of tribute (usually beer, bread, a pig) and the number of service-days (usually two or three).

Is not the service of two or three work days per year really to be understood as days per *week*, every week of the year? In *L. Baiu* I, 13, we find the service of ecclesiastical tenants standardized to three days per week for their lords leaving three days per week for themselves; is this situation not also reflected in the St. Gall charters? Surely, indentured tenants included in these charters would not work two or three days per year for St. Gall and have the remaining 362 or 363 days of the year for themselves or for the original landlord, especially when we consider that they were indentured and were subjected to a variety of labors associated with a rural economy, such as plowing, sowing, harvesting, tending to livestock, or other duties, such as gathering firewood and building materials; meanwhile, the women were making bread and beer (both derived from grain) and weaving cloth. No word for *day* appears in these charters; if used, it must be assumed from context. That *week* must be assumed is also demonstrated by looking at *L. Alam.* XXI, which describes ecclesiastical slaves who worked three days for their masters and three days for themselves — no one disputes that it was actually three days per week in each case.²⁰ This interpretation is also defensible for the St. Gall charters, which were later than *L. Alam.* XXI. Although the thirteen St. Gall charters discussed here were all predated by *L. Alam.* XXI-XXII, 1, which standardized the tribute and service for all churches under jurisdiction of the Alamannic laws, the St. Gall charters were concerned primarily with private donations; the latter, therefore, should show a greater difference in seigneurial obligations, reflecting the degree of generosity individual donors were willing to bear when donating land for personal and religious reasons.

Of the thirteen charters relevant to this discussion, seven remain to be dealt with. Of these, five (nos. 25, 42, 46, 55, and 58) concern farms with slaves, and two (nos. 32 and 57) concern farms without slaves. These seven charters share something in common; none mentions the obligation of service. Each describes only the obligation of tribute. Nearly all the seven charters specify approximately the same amount of beer and bread (or grain), and a pig, and for this reason, charters with and without slaves may be discussed together. Charter nos. 42 and

'... unius hominis anni vertente operas tres...'. Charter no. 39: '... et opera in stathum tempus, in messe et fenum duos dies ad messum medendum et foenum secandum, et in primum vir arata jur-nalem unam, et in mense junio brachare alterum, et in autumnno ipsum arare et seminare, hoc est census pro ipsa villa.' Charter no. 56: '... et quando opus fuerit aut ad messum vel pratum colligendum vel ad reliqua in passiato faciam...'.

20 See, for example, Georg Caro, 'Die Grundbesitzverteilung in der Nordostschweiz und angrenzenden alamannischen Stammesgebietes zur Karolingerzeit', *Jahrbücher für Nationalökonomie und Statistik* 76 (1901) 484 (reprinted in his *Beiträge zur älteren deutschen Wirtschafts- und Verfassungsgeschichte. Gesammelte Aufsätze* (Leipzig, 1905), p. 12).

57 required thirty measures of beer, and charter nos. 32 and 55 required twenty measures of beer (later increased to thirty in charter no. 55); charter nos. 25, 46, and 58 did not require beer. Likewise, for bread and wheat we find variation; charter nos. 32 and 55 required one maltrum of bread, charter nos. 42 and 57 required two maltra, no. 25 required ten bushels of wheat and twenty bushels of oats, no. 46 twenty bushels of wheat, and no. 58 two cartloads of grain (one of spelt wheat and one of oats). All seven charters required a pig, although its value varied slightly. Charter nos. 25, 32, 46, and 55 required a pig worth one saiga (in no. 55 later increased to a pig worth four denarii, equal to one tremissis); charter no. 42 required a pig worth one tremissis; charter nos. 57 and 58 required a pig worth a solidus (no. 58 allowing the substitution of a ram of unspecified value if there was no pannage for the pig).²¹ Since these charters concerned private bequests, all donors were not compelled to perform equal obligations, especially if they were not financially capable of doing so. For this reason, it should not be expected that all donations to St. Gall specified both tribute and service. What is surprising is that the same obligations were fulfilled on farms with slaves (*mancipia* or *servi*) or without slaves (*coloni* or the donor himself).

How much work did it take a tenant to produce approximately thirty measures of beer and forty loaves of bread, and to care for a pig until it was large enough to be worth one saiga or one tremissis? A good deal. And in addition to the grain required for beer and bread, a substantial amount of the grain produced every year had to be retained and sowed the next year. Indentured tenants most certainly worked hard for a living, and were expected to; after all, they were dependent laborers who were obligated by their status to render fixed tribute and service. There is, therefore, a direct relationship between tribute and service. It is

21 Charter no. 25 (759/760): '... et exinde annis singulis census solvam, hoc est de annona spelda modias X et de avina XX et frisinga seigit (*sic*) valenti.' Charter no. 32 (761): '... et ille nobis exinde census solvat, id est per singulos annos XX siglas de cervisa et maltra de pane, et frischinca saiga valente, et si genuerit filium de legetima uxore, hoc id ipsum faciat, ...'. Charter no. 42 (764): '... quod solvere debeo dum vivo, de crano ad cirvisa siclas XXX et ad panem duas maltaras (*sic*) et friscinca trimisso valente, et ad Duhtarincas illud faciam venire...'. Charter no. 46 (764): '... et annis singulis inde census persolvam, id est XX modios de grano et I friscingam seiga (*sic*) valentem; post meum vero obitum omnia ad rectores monasterii revertantur perpetuum possidendum...'. Charter no. 55 (769): '... Et hoc est census, quod nobis exinde debent exsolvere per singulos annos, XX siclas de cirvisa et una maldra de pane et frisinga saiga valente. Et si genuerint filium, hoc ipsud faciat, ... Et si quis eorum alium supervixerit, census augeatur, id est XXX siclas de cirvisa et una maldre de pane et frisinga IIII dinarios valente...'. Charter no. 57 (770): '... Et hoc est census, quod me apud illos convenit per singulos annos: XXX siclas de cervisa et frisinga solido valente et duas maldras de pane...'. Charter no. 58 (770): '... Et hoc est census, quod nobis cum illis convenit per singulos annos: II carradas de grano bono non scusso, I de spelda et alterum de avina, et quando esca est porcum solido valentem I, et quando esca non est avietem bonum...'.

while tenants performed some of their service obligations that they produced tribute. Only those obligations and conditions were fulfilled which were explicitly specified by charter. No service specified meant no service rendered.

It is easier to discuss the relationship of the St. Gall charters with *L. Alam. XXI* than with *L. Alam. XXII, 1*, which lacks detailed descriptions of tribute owed by ecclesiastical *coloni*. In the St. Gall charters alone, however, we see that there was no principal difference in seigneurial obligations between *coloni* and *servi*. If ecclesiastical *coloni* rendered obligations equal to royal *coloni* as *L. Alam. XXII, 1* says, there was a striking similarity for all eighth-century Alamannic *coloni*. As we said above, *coloni* rendered both tribute and service, just as *servi*. But because tribute obligations appear to be more normalized than service obligations in the St. Gall charters as well as in *L. Alam. XXI-XXII, 1*, service obligations must have been additional to the more basic tributary obligations. This conclusion is borne out by the fact that tribute was fixed by *L. Alam. XXI-XXII, 1*, and by individual charters where private bequests were concerned for St. Gall. Although the amount of service was also fixed by *L. Alam. XXI-XXII, 1*, the type of service and where it was performed varied as indicated — for example, by individual bequests to St. Gall.

Did *servi* and *coloni* become ecclesiastical tenants simply by being contained on land donated to St. Gall, whereas formerly these tenants were secular? If former secular tenants became ecclesiastical simply by donation, did their legal status change? Very likely they did become ecclesiastical tenants, and their legal status did change, and somewhat for the better.

The seigneurial obligations as indicated in the St. Gall charters are far more explicit for farms with slaves than for farms without slaves; this distinction is especially true since more charters specifically concern indentured slaves than indentured freemen. (As has already been demonstrated, those farms without slaves were worked either by freemen [*coloni*] or freedmen, even if the donor worked his own farm himself. When slaves were present on farms, they were explicitly enumerated by the St. Gall charters. Therefore, charters which did not mention slaves in all likelihood did not possess them, and these farms must have been worked by freemen — or freedmen, even though the latter were not described in these charters.) Regarding tribute, the seigneurial obligations for those farms with slaves and those farms without slaves were approximately equal. This is an important comparison. The comparison can be made also for service, although here only one charter (no. 29, 761 A.D.) makes reference to service for farms without slaves; nevertheless service obligations in this charter closely parallel the obligations of slaves specified in other charters. It should be noted that this similarity between the two classes in both tribute and service obligations was uncharacteristic in a pre-Carolingian age, since it is the Carolingian seigneurie which has been credited with the first equation of obligations between *colonus* or

servus, whichever class worked land within the seigneurial estate organization. The seigneurial obligations, therefore, of the Carolingian seigneurie were already forming in the mid-eighth century; whether of tribute or service, obligations were approximately equal for those tenants, whatever their status, who worked farms as indicated in the St. Gall charters, and the similarity of these obligations was already evident in *L. Alam.* XXI-XXII, 1 during the first quarter of the eighth century.

APPENDIX

Charter no. (after Wartmann)	Year	Farms with slaves		Farms without slaves	
		Tribute	Service	Tribute	Service
18	754	30 measures beer, 40 loaves bread, 1 pig (trem.), 30 bundles linen	2 juchus, additional service		
24	759	30 measures beer, 40 loaves bread, 1 pig (trem.)	3 days		
25	759 - 760	10 bushels grain, 20 bushels oats, 1 pig (saiga)			
29	761			30 measures beer, 40 loaves bread, 1 pig (trem.), 2 chickens, 1 ram (saiga)	2 days
32	761			20 measures beer, 1 maltrum bread, 1 pig (saiga)	
33	762	30 measures beer, 40 loaves bread, 1 pig (trem.)	3 days		
39	763	20 measures beer, 1 maltrum bread, 1 pig (saiga)	2 days, plus 3 more days		
42	764	30 measures beer, 2 maltra bread, 1 pig (trem.)			
46	764	20 bushels grain, 1 pig (saiga)			
55	769	20 measures beer, 1 maltrum bread, 1 pig (saiga) [to be increased to: 30 measures beer, 1 maltrum bread, 1 pig (4 denarii)]			

Charter no. (after Wartmann)	Year	Farms with slaves		Farms without slaves	
		Tribute	Service	Tribute	Service
56	770	30 measures beer, 30 loaves bread, 1 pig (trem.)	service (in general)		
57	770			30 measures beer, 2 maltra bread, 1 pig (solidus)	
58	770	2 cartloads grain (1 of spelt wheat, 1 of oats), 1 pig (solidus) or ram			

New York.

MEDIEVAL LATIN POETIC ANTHOLOGIES (II)

A. G. Rigg

IN the first article in this series I described the nature and contents of the sister-manuscripts Titus A. xx and Rawlinson B. 214, and posited the circulation in the Eastern and Home Counties of a group of related anthologies.¹ The third manuscript in the group, Bodley 851, was compiled in the Benedictine abbey of Ramsey, Huntingdonshire, in the late part of the fourteenth century; at least the first part of it belonged to John Wells, monk of Ramsey, probably the noted opponent of Wycliffe. There are three discrete parts: the first contains principally Walter Mapes, *De nugis curialium*, the second miscellaneous poems, and the third *Piers Plowman*. During the fourteenth and fifteenth centuries more poems were added, and the three parts came to be a single volume. Textually the manuscript is closely related to the ancestor of Tx and Rb.²

DESCRIPTION OF THE MANUSCRIPT

209 leaves, including two end-leaves, numbered 1-210 (foliation skips 166). Parchment of uneven quality (a few holes or repairs). The binding, probably late medieval, consists of pasteboard with leather cover; the spine has been repaired in modern times; screwholes indicate the loss of two leather clasps.

Leaves measure approximately 235-245 × 175-180 mm. Writing area (excluding fly-leaves) Parts I-II 190 × 145 mm.; III(a) 190 × 125; III(b) 185 × 125 mm. Parts I-II in two columns marked out in dry point or thin ink (prickmarks visible for verticals), horizontal lines in dry point (prickmarks visible only in

1 A. G. Rigg, 'Medieval Latin Poetic Anthologies (I)', *Mediaeval Studies* 39 (1977) 281-330. These manuscripts are abbreviated Tx and Rb.

2 There are earlier descriptions of the manuscript (= Bd) by R. L. Poole and M. R. James in James's edition of the *De nugis* (see No. 1 below), by E. Faral (see No. 13 below), and by F. Madan and H. H. E. Craster, *A Summary Catalogue of Western Manuscripts in the Bodleian Library at Oxford* 2 (Oxford, 1922), no. 3041.

quire ix, fols. 82-89); Part III(a) long lines, framed and ruled in dry point; Part III(b) long lines, framed only.

Decoration: Parts I-II have inset display initials (2-3 lines deep) in blue, with red interiors and scrollwork; alternating red and blue paragraph marks (for which guide marks are still visible); red and blue initials for stanzas (No. 18); occasional red initials (Nos. 9-14); red touching to initials (Nos. 7 and 9); book and chapter headings, and running heads (No. 1), in red. Part III(a) has inset initials (blue with red work) for Passus I-VIII. Part III(b) is decorated in a different style, with red-touched initials and red underlining only (and a solitary deep blue initial on fol. 150r). In the upper part of fol. 6v is an elaborate book-plate: the name WELLIS is written in large scrolls; a bear on the left side pulls with his chain at the bow of the W; on the right side St. Christopher carries the Christ-child, and his staff pierces the S. Extensions of the ascenders of the W contain the words 'Iste liber constat Fratri Iohanni de' and those of the LL have 'Monacho Rameseye'.³

Collation of leaves: earlier divisions⁴

Fly-leaves: fols. 1-6

i⁴ ii² (inner bifolium excised, with loss of text): fol. 6v numbered 'j' in the final quiring.

Part I: fols. 7-77

iii¹² (fols. 7-17, lacks leaf after fol. 7, with loss of text), iv¹²-viii¹² (fols. 18-77). Catchwords on fols. 17v, 29v, 41v, 53v, 65v. Fols. 74ra-77v originally blank; fol. 77v extremely worn.

Part II: fols. 78-123

*ix missing, with loss of text (lost after final quire numbering), ix¹²-xi¹² (fols. 78-113), xii¹⁰ (fols. 114-123). Catchwords on fols. 89v, 101v, 113v. Earlier quire number 'iii' on fol. 90r (the beginning of the original third quire, before the loss of quire *ix). Fols. 120vb-123v originally blank; fol. 123v worn.

Part III(a): fols. 124-139

xiii⁸-xiv⁸. Early quiring marks fols. 132-135 'b', 'b ij', 'b iij' and 'b iiij' on the recto side. The first scribe ended his writing on fol. 139r.

³ For a fuller description, see James, *ibid.*

⁴ In the final series of quire numbers (from what is now quire ii to xxiii) the numbers are on the last verso side; these must be distinguished from earlier series, which are on the recto sides at the beginning of the quires.

Parts III(b): fols. 140-208

xv⁶-xvii⁶ (fols. 140-157), xviii⁸ (fols. 158-165), xix¹⁰ (fols. 167-176: the paginator has skipped 166), xx⁸-xxiii⁸ (fols. 177-208). An early quiring marks fol. 140r 'j', fol. 146r 'ij', and so on, up to quire xxiii; the first four leaves of each quire are lettered a-d, from which it can be seen that the outer bifolium of quire xvi was lost *before* writing (fol. 146r is 'ij b', etc.), and that fols. 203-206 have been disordered *since* writing (correct order: 204, 203, 206, 205). As noted above, the decoration of Part III(b) differs from that of Parts I-III(a).

*Scribes*⁵

B wrote fols. 78ra-81va (and presumably the missing quire *ix), Nos. 6-7 at the beginning of Part II. Anglicana Formata; 47 lines per column.

C re-ruled fols. 82-89 and wrote the beginning of No. 9 on fols. 81vb-83va; Anglicana Formata; 48 lines per column.

A wrote most of Part I, Nos. 1-2 on fols. 7ra-73vb; his Anglicana Formata script becomes distinctly more sloping after fol. 30r; 42 lines per column. On fol. 33ra he left a gap of 15 lines, which he later filled, using a more cramped style of writing. He continued to write in Part II, from fol. 83va-115vb, writing 41 lines per column (ignoring the ruling by *C*), concluding No. 9 and then writing Nos. 10-14.

X wrote No. 3 on fols. 74ra-74va (49 lines per column), No. 8 on fol. 81va and No. 18 on fols. 118va-120vb (48 lines per column); in collaboration with *S* he wrote Nos. 15-17 on fols. 116ra-118rb (here *X* writes 50 lines per column, *S* 54). *X* also wrote Part III(a), fols. 124r-139r, using a darker ink (50 lines per page). He was responsible for the rubric headings in Parts I and II and in the bookplate on fol. 6v. He wrote a small neat Anglicana Formata script, with some broken strokes; hand *S* is an even smaller version of the same script.

A scribe called Dodsthorp wrote most of the entries on fols. 2r and 3r, the *Miles Gloriosus* on fol. 5r-v (2 columns, 54 lines), No. 5 on fols. 75va-76rb (using the original layout, 45-47 lines per column), and No. 20 on fols. 120vb-123ra (at first re-ruling for 43 lines, then increasing to as many as 58). He has two scripts, one somewhat more formal than the other with some Secretary features.

Hand *Y* wrote No. 4 on fols. 74va-75rb, 76va (a sloppy Anglicana hand).

Hand *Q* wrote the rest of *Piers Plowman* in Part III(b) on fols. 139r-208r: he marked out a frame but did not rule lines (he varies between 29-36 per page).

⁵ On the order in which these scribes wrote, see the following section.

John Wells's 'Book': the compilation procedures

As noted above, the inscription in the bookplate on fol. 6v by hand *X* reads: 'Iste liber constat Fratri Iohanni de WELLIS Monacho Rameseye'. Does this refer to Part I alone, to Parts I and II, to Parts I, II, and III(a), or to any other single section? This question (which cannot finally be answered) can best be seen in perspective after an analysis of the procedure of compilation. Evidence for this comes from the sequence of writing and the stages of decoration.⁶

1) Part II (up to fol. 83va, including the now missing quire *ix) was written by hands *B* and *C*; part of fol. 81va was left blank.

2) Part I (fols. 7ra-73vb) was written by hand *A*, who also took over Part II and completed it to fol. 115vb. The following leaves were still blank: fols. 74r-77v, 81va, and 116ra-123v.

3) Hand *X* now filled the blank column fol. 81va with No. 8, and wrote No. 18 on fols. 118va-120vb. This left the following blank: fols. 74r-77v, 116ra-118rb, and 120vb-123v.

4) Hand *X* supplied rubric headings in Parts I and II, and the inscription on fol. 6v (thus adding what was originally a four-leaf quire, now fols. 5-6).

5) Hand *X* also wrote Part III(a): using two quires of eights he wrote out *Piers Plowman* A-text up to VIII. 88, following a very deficient exemplar. For some reason he stopped near the foot of fol. 139r, leaving a few lines and fol. 139v blank.

6) Up to this point all written texts had been prepared for decoration, either by leaving gaps (with cue letters) for initials or by providing marginal indicators for paragraph marks. This decoration was now supplied in all sections, including Part III(a).⁷

7) Hand *X* continued to fill the manuscript, writing No. 3 on fol. 74ra-va, No. 19 on fol. 120vb, and, in collaboration with *S*, wrote Nos. 15-17 into fols. 116ra-118rb (most of column 115vb was left blank). No space was provided, nor indication given, for the decoration of these items. This still left some leaves blank in both Parts I and II.

John Wells's 'Book', therefore, could refer to any of these stages in the manuscript's history. The *liber* of the bookplate might refer simply to the *De nugis curialium* (cf. the heading on fol. 7r 'In libro magistri Gauteri Mahap'),

⁶ The sequence is illustrated on the accompanying chart.

⁷ Some decoration is missing at the beginning of No. 9: the second column has red and blue paragraph marks; in the first column the title is underlined in red, and initials are touched in red, but marginal indicators are provided at lines 31 and 43. Gaps at the beginning of lines 17-18 may be for missing words (*Mox* and *Criso-*) but there is also a paragraph indicator beside 17.

and hence only to Part I. General uniformity of appearance, however, suggests that Parts I and II could be regarded as a unit (i.e. after decoration, but excluding Part III(a)). Thirdly, as hand *X* was also responsible for writing Part III(a), and as this part was included in the decoration, one could regard the book as containing all parts completed by the end of stage (6) or (7); on the other hand, *Piers Plowman* was clearly unfinished, and fol. 139v shows no sign of wear.

Later additions

8) Some time in the fifteenth century, the deficient *Piers Plowman* was finished by hand *Q*. He took an already prepared booklet of nine quires (xv-xxiii), numbered and lettered (with the outer bifolium of quire xvi already missing). He first used the end of the original Part III(a), and, drawing on the same source as *X*, finished the A-text to the end of Passus VIII on fol. 140v; he then continued on fol. 141r with C-text Passus XI to the end of the poem. This part was then decorated in a different style.

9) The whole manuscript, from quire ii to xxiii, was provided with a new set of quire numbers. An extra set of fly-leaves, fols. 1-4, was added; most of fol. 2v had already been filled. A scribe named Dodsthorp filled fols. 2r and 3r, wrote the *Miles Gloriosus* on fols. 5r to the middle of the gathering, No. 5 on fols. 75va-76rb, and No. 20 on fols. 120vb-123ra. Dodsthorp still planned some decoration: he left a gap for a rubric title on fol. 5ra (and perhaps some signs for paragraph marks), paragraph signs in No. 5, and gaps for rubric initials in No. 20. This decoration, however, was never supplied. Dodsthorp's name does not appear in the list of monks present at the visitation of the bishop of Alnwick in 1439: the entries, therefore, must be dated later than 1439.⁸ At about this time fol. 208v was filled.

10) Hand *Y* wrote No. 4 on fols. 74va-75rb, and then, finding fols. 75va-76rb occupied, noted 'require in secundo folio post' and completed the text on fol. 76va. Unfortunately, No. 5 was still unfinished (after three lines of a stanza). Dodsthorp, however, supplied a colophon to No. 4 and filled in a missing line.⁹

11) The writing was now complete. Extra end-leaves (fols. 209-210) were added, and the whole manuscript was bound: the front pastedown is from some

8 I am grateful to Professors Edwin DeWindt and Ambrose Raftis for information on Ramsey names: an Alice Dodsthorp is recorded in the village in the early fifteenth century. Dodsthorp's mannered hand (with an elaborate *p* and short *r*) can be seen on the fly-leaves, on fol. 5r lines 1-9, fol. 120vb lines 1-12 and titles, and fol. 75vb stanzas 1-2 and from halfway down fol. 76rb. His other style is Anglicana.

9 This cumbersome procedure (which assumes that *Y* and Dodsthorp were writing at the same time) is necessary to explain the unfinished state of No. 5, the break in No. 4 from fol. 75rb to 76va, and Dodsthorp's colophon to No. 4.

abbey accounts, the end pastedown from the legal text which supplied fols. 209-210. Some time before foliation a leaf was lost before fol. 8, and a quire was lost before fol. 78, and leaves 203-206 were disordered. The foliation was completed to 208 (fols. 209-210 are numbered in a modern hand).

Fly-leaves and pastedowns

The pastedown on the front cover contains accounts (s. xv) relating to Ramsey; that on the back cover, and the two preceding leaves (fols. 209-210), are from a legal treatise in an early fourteenth-century hand. Fols. 1-4, perhaps added by Dodsthorp himself, form a separate set of fly-leaves, not included in the final series of quire numbers; they now contain:

- i) fol. 1r: old Bodleian shelf marks;¹⁰
- ii) fol. 1v: two inscriptions (s. xvi/xvii):
 - (a) Saepe sub incultis reperitur gemma lapillis
Saepe cadus vilis nobile nectar habet.¹¹
 - (b) In remotissima posteritate mihi faciet auctoritatem antiquitas, quia tunc, ut nunc, vetustum cuprum praeferetur auro novello, etc. in eam sententiam.¹²
- iii) fols. 2r-3r: proverbs and short poems (see Appendix);
- iv) fols. 3v-4r blank;
- v) fol. 4v: two short poems (Appendix 76-77) and (s. xv) a table of consanguinity.

Provenance and date

The Ramsey associations of the manuscript are clear, in the entries on the front pastedown and on fol. 208v and in the bookplate on fol. 6v. Some of the short poems on the front fly-leaves also show local interest (e.g. No. 3 on Wells). There is no objection to identifying the John Wells of the bookplate with the 'rather famous' anti-Wycliffite.¹³ He was a scholar of Gloucester College, Oxford,

10 A list is provided in Poole's description (James's edition, p. vii), but the order of entries is cancelled in the *corrigenda* sheet.

11 Walther *Sprichwörter* 27317, from here only; the verses were probably written after the following quotation. As noted below, the hand is not identifiable.

12 The quotation is from the end of *Distinctio* IV of the *De nugis*; the words are underlined in the text, fol. 47rb.

13 For biographies of Wells, see James's edition, the article by T. F. Tout in the *Dictionary of National Biography*, and A. B. Emden, *A Biographical Register of the University of Oxford to 1500*, 3 vols. (Oxford, 1957-59), and articles cited there.

Scribe	PART I 7-77		PART II 78-123		PART III (a) 124-139 (b) 140-208	
	1-4	5-6				
1	B C		78-81va 6-7	81vb- 9...	83va- 115vb 9-14	
2	A			81vb 8	118va-120vb 18	
3	X					
4	X					
5	X				124-139r A-text	
6	Dec.				A-text	
7	X-S		74ra-va 3	116ra- 118rb 15-17		
8	0			19		139r-208r ... A-text C-text
9	1r- 4v	Miles Gloriosus	75va-76rb 5		120vb- 123ra 20	208v
10	Y		74va- 75rb 4			
11	Loss of leaves					

 Blank leaves
 Lost leaves

before 1376, and *prior studentium* (1381); he was a prominent figure at the council at Black Friars in 1382, and was appointed proctor on behalf of the provincial chapter of English Black Monks to go to Rome to plead for the release of Cardinal Adam Easton; he died in Perugia in 1388. The bookplate implies that the manuscript might have been circulated outside the abbey, perhaps in Oxford.

The *terminus ad quem* of 1388 (Wells's death) applies only to Wells's 'book', which, as we have seen, cannot be determined, but the handwriting suggests that stages 1-7 in the compilation were complete by that date. The date of John of Bridlington's Prophecy (No. 12) is still in doubt, but probably c. 1370; Nos. 15-16 (added at stage 7) were written after 1346; the A-text of *Piers Plowman* was written c. 1370. The main stages of compilation can probably be dated c. 1380. External evidence shows that Dodsthorp's entries (and therefore also No. 4 by Y, composed after 1405) were made after 1439.

Textual relationships

Bd is almost certainly related to the ancestor of TxRb: with both manuscripts it shares Nos. 7, 15, 16, and 18; with Tx it also shares Nos. 5, 9, 13, 14, and 20; with Rb it shares fly-leaf poem 43. Both Bd and Tx have poems by Walter of Wimborne (Bd No. 6, Tx No. 67); with the anti-Norfolk jibe in fly-leaf No. 49, compare TxRb's poem against Norfolk (Tx No. 64). Textual analysis shows that Bd is in the same family as TxRb (and some other manuscripts) in No. 7, though it cannot be the source, as it omits some stanzas. Tx's short version of No. 5 could be derived from the immediate ancestor of Bd. On the other hand, Bd's version of No. 14 is in a separate textual tradition from Tx; this is perhaps true of No. 13 also.

Bd shares four items (Nos. 2, 7, 14, and 18) with London, British Library MS. Cotton Vespasian E. xii (s. xv, Oxford = Ve). No. 2 is unique to these two manuscripts, and Ve is in the same family as BdTxRb for No. 7. As noted above, Bd is in a separate family for No. 14. There are also striking similarities in content between Bd and Oxford, Bodleian MS. Digby 166 (ss. xiv, xv = D): they share Nos. 7, 8, 10-11, and 18; No. 3 is an extract from a text which is complete in D. Both D and Rb share poems by Walter of Peterborough (see Rb No. 27); D's 'Prisciani regula' is a separate version of Bd's No. 5. In No. 7 D's text is in a quite separate tradition, and in Nos. 10-11 D is in the *mu* group, quite separate from Bd. It is, in fact, quite common to find anthologies which share many poems but which are not always textually related: in these cases we are dealing with literary relationships and suggestibility. That is, a compiler would derive his idea of his contents list from a similar manuscript, but might choose to copy his text from elsewhere.

The contents

It is an interesting collection for an anti-Wycliffite to own, if the bookplate refers to more than just Part I. Satirical writings predominate — Walter Mapes's *De nugis curialium*, the anti-ecclesiastical *Speculum stultorum* and *Apocalypsis Goliae*, the political satire of 'John of Bridlington's' 'Prophecy', the antifeminist *De coniuge non ducenda* — as well as other kinds of poems, devotional (Wimborne's *Ave virgo*), moral (debate between Heart and Eye), historical (Troy poems), dramatic (*Babio*), and 'virtuoso' (the poetic debate between Michael of Cornwall and Henry of Avranches). Quite probably the A-text of *Piers Plowman* was also attached to the collection when Wells owned it. Later additions, after stage 7, emphasize the heterogeneity: X added the political poems Nos. 15-16 and the anti-friar section of Satan's Epistle, and much later Dodsthorp added two plays and the satire on clerical celibacy, as well as the equally heterogeneous collection of epigrams and verses on the fly-leaves; Y added another poem of historical interest (No. 4).

Recent history and annotations

Explanatory notes and variant readings have been provided for the *De nugis* by a near-contemporary hand; another note on fol. 90v may be by hand A. Occasional marginal stalked flowers may be by Dodsthorp, who draws flowers beside his fly-leaf entries. Experimental scrollwriting can be seen on fols. 18r, 162r, 193r, 194r, and 200r. On fol. 208v is pencilled the name 'J. Kyngston' (s. xv); the same hand has written notes on fol. 207v (pencil) and possibly fols. 159r, 172v, 195v and 197v. On fol. 208v, in ink, is the date 'Anno domini millesimo quingentesimo quinto'. On fol. 6v is the name 'Whyttynton' (s. xv).¹⁴ Slightly later hands have supplied notes on the date of the *De nugis* (fol. 7r) and the authorship of 'John of Bridlington' (fol. 90rb).

The two inscriptions on fol. 1v have already been mentioned; the second is by a hand which also made frequent notes throughout the text of the *De nugis* (fols. 20r, 20v, etc.): it is not that of any of the more obvious antiquaries, such as Thomas Bodley, William Camden, Brian Twyne, Thomas or Richard James, Bishop Ussher, or Thomas Hearne. It may be that of Cuthbert Ridley, who presented the book to the Bodleian Library in 1601: Ridley came from Northumberland, matriculated 1593, B.A. 1596, M.A. 1599, licenced to preach 1604,

¹⁴ The *Summary Catalogue* also records the name 'Th. Strype' on fol. 2 (s. xvi), but this is no longer legible.

rector of Simondsburn, Northumberland, 1604.¹⁵ As noted above, fol. 1r bears several old Bodleian shelf marks.

CONTENTS¹⁶

Fly-leaves: fols. 5-6¹⁷

Miles Gloriosus

fol. 5ra Vernet eques iam prima genis lanugo susurrat
fol. 5vb ... *ends incomplete at line 204*

Walther 20216. Ed. R. Baschet in G. Cohen, *Comédie latine* 1 (Paris, 1931), pp. 181-210 from three MSS. (not including Bd): Bd, like R, omits 1-2. The inner bifolium has been cut out: the remaining 162 lines would have occupied just over three columns. Scribe: Dodsthorp (cf. Nos. 5 and 20 below).

Part I: fols. 7-77

1. Walter Mapes: De nugis curialium

fol. 7ra IN LIBRO MAGISTRI GAUTERI MAHAP DE NUGIS CURIALIUM.
DISTINCTIO PRIMA. ASSIMULACIO CURIE REGIS AD IN-
FERNUM. CAPITULUM PRIMUM
 In tempore sum et de tempore loquor ...
fol. 72vb *List of contents by chapter*
fol. 73va EXPLICIT DISTINCTIO QUINTA LIBRI MAGISTRI GAUTERI
MAHAP DE NUGIS CURIALIUM

Ed. M. R. James (*Anecdota Oxoniensia*, Med. and Mod. Ser. 14; Oxford, 1914): Bd is the sole manuscript. Near-contemporary annotations, especially in Dist. 4, show knowledge of another manuscript; James says that the hand is *X*, but this is uncertain.

2. Fall of Carthage

fol. 73va CAUSA EXCIDII CARTAGINENCIUM
 Narrat flaccensius in hystoriis ...
fol. 73vb ... vt patet superius per ordinem

¹⁵ J. Foster, *Alumni Oxonienses 1500-1714* 3 (Oxford, 1891), p. 1257; Ridley also presented MSS. Bodley 94, 365, and 603, but his hand is not to be seen there.

¹⁶ For method of presentation, short titles, and abbreviations, see 'Medieval Latin Poetic Anthologies (I)', especially n. 23; in the present article I usually provide final lines.

¹⁷ For the contents of fols. 2r-4v, see Appendix below.

Ed. James (see No. 1), pp. 260-61 (and p. 271). Another text, with only slight differences, is in London, British Library MS. Cotton Vespasian E. xii.

3. *Epistola Sathanae*

fol. 74ra Porro sobrios viros ...
 fol. 74va ... vmbra pretereunt non attendant

This is a short extract from the 'Epistola Sathane ad vniversalem ecclesiam' (*inc. Princeps regionis iehennalis*), ed. W. Wattenbach, 'Über erfundene Briefe in Handschriften des Mittelalters, besonders Teufelsbriefe', *Sitzungsberichte der königlich preussischen Akademie der Wissenschaften zu Berlin*, Jahrgang 1892, Erster Band, pp. 91-123 (text pp. 104-16). Wattenbach edits from Reims, Bibliothèque Municipale MS. 1275 (olim 743; s. xiii, last quarter), recording also Digby 166 and Vienna, Österreichische Nationalbibliothek MS. Theol. lat. 110 (s. xvi); it is also in London, British Library MS. Harley 913. The extract in Bd deals satirically with the Franciscans.

4. Execution of Archbishop Scrope (1405)

fol. 74va Quis meo capiti dabit effundere
 fol. 76va ... Vt spretis infimis letemur superis
 Explicit processus martirii Ricardi Scroup Eboracensis archiepiscopi

Walther 16078. Ed. Wright, *Political Poems* 2. 114-18, from London, British Library MS. Cotton Faustina B. ix only: the Bd version differs in minor details, and has two extra stanzas on the archbishop's companion (after stanza 3 on p. 116) and six extra stanzas (after the first stanza on p. 118) showing extreme bitterness towards the king and the state of the kingdom. Text by hand Y: it breaks off at the foot of fol. 75rb (with a note by Y 'require in secundo folio post') and ends on fol. 76va.

5. *Convocacio sacerdotum*

fol. 75va Examinacio sacerdotum propter concubinas
 Nouus rumor anglie partes pergirauit
 fol. 76rb ... Et qui prius fuerant artibus inbuti

Walther 12337. Ed. Wright, *Mapes*, pp. 180-82, from Tx and London, British Library MS. Cotton Vitellius A. x: see Tx No. 63. Bd's version of 45 stanzas (unedited) is quite the longest, but is deficient, ending with the third line of a quatrain at the foot of the page. Evidently Y entered No. 4 before Dodsthorp (this scribe) had finished; Dodsthorp, however, supplied the colophon to No. 4.

Remainder of fol. 76v and all fols. 77r-77v blank. Fol. 77v very rubbed.

Part II: fols. 78-123

6. *Walter of Wimborne: Ave virgo*

fol. 78ra Venus urit lubrica
 fol. 80rb ... Dapibus ambrosiis

Ed. A. G. Rigg, *The Poems of Walter of Wimborne, O.F.M.* (Studies and Texts 42; Toronto, 1978), pp. 111-83. This is part of the A-text, beginning at 88/6; the complete text is in Corpus Christi College, Oxford MS. 232 (c. 1300), where it is preceded by the *De mundi vanitate*. The missing quire *ix in Bd (assuming that it consisted of twelve leaves) could have contained at least these two poems.

7. De coniuge non ducenda

- fol. 80va Sit deo gloria laus benedictio
 fol. 81va ... Nec dolor coniugis habet remedium. Explicit

Walther 18302. Ed. Wright, *Mapes*, pp. 77-85. For details of textual affiliation, see on Tx No. 5 and above p. 394; it is also No. 21 in Rb.

8. Philip the Chancellor: Debate between Heart and Eye

- fol. 81va Si quis cordis et oculi non sentit in se iurgia
 fol. 81va ... Nam cordi causam imputat occasionem oculo

Walther 17915. Ed. Wright, *Mapes*, pp. 93-95; Hauréau, *Notices* 1. 365-67 (from Paris, B.N. MSS. lat. 8433, 3718, 11867, 456, nouv. acq. lat. 1544). See Walther, *Streitgedicht*, pp. 62-63. Bd uses a long-line format, producing seven quatrains; the variants correspond fairly closely to those of Cambridge University Library Dd. 11. 78 and the Camden text, as reported by Wright.

9. Debate between Michael of Cornwall and Henry of Avranches

- fol. 81vb VERSUS MAGISTRI MICHAELIS CORNUBIENSIS CONTRA MAGISTRUM HENRICUM ABRINCENSEM CORAM DOMINO HUGONE ABBATE WESTMONASTERII ET ALIIS
 Archipoeta vide quod non sit cura tibi de
 fol. 83va CORAM MAGISTRO H. DE MORTUO MARI OFFICIALI CANTUARIENSIS ARCHIEPISCOPI
 Quid me sollicitas qua sollicitudine citas
 fol. 85rb CORAM DOMINO ELECTO WINTONIENSI ET EPISCOPO ROFENSI
 Pendo poeta prius te diximus archipoeta
 fol. 89ra ... An sis conductus ductus fur ad fora luctus

Walther 1432. Ed. A. Hilka, 'Eine mittellateinische Dichterfehde' in *Mittelalterliche Handschriften. Festgabe zum 60. Geburtstage von Hermann Degering* (Leipzig, 1926), pp. 123-54, from all five manuscripts (all English). See Tx No. 3: Bd Tx often agree, perhaps in error once or twice.

10-11. Fall of Troy

- fol. 89ra EXCIDIIUM TROIE
 (a) Pergama flere volo fato donais (*sic*) data solo

- fol. 89vb (b) Viribus arte minis danaum data Troia ruinis
 fol. 90rb ... Vlacio pugnatur, fit machina, Troia crematur

EXPLICIT EXCIDIUM TROIE

(a) Walther 13985; ed. Hilka-Schumann, *Carmina Burana* No. 101 (1/2. 139-60); Bd has the full text, with no significant variants. (b) Walther 20582; ed. P. Leyser, *Historia poetarum et poematum medii aevi* (Halle, 1721), pp. 404-408; usually attributed to Peter of Saintes; Bd omits lines 187-200, 241-42, of the Leyser edition. These two poems are often found together without any sign of a break between them; Bd concludes with the couplet printed by Hilka-Schumann, p. 145. On the complex relationship between the poems and their textual affiliations, see Hilka-Schumann.

12. 'John of Bridlington'

- fol. 90rb (a) PROPHECIA CUIUSDAM DE DOMINO EDUARDO REGE
 ANGLIE TERCIO POST CONQUESTUM (*later hand (s. xv): secundum*
Io. de bridlington)
 Febribus infectus requies fuerat michi lectus
 fol. 94va ... Ad mortem tendo morti mea carmina pendo
 fol. 94va (b) VERSUS DE III^{PS} IIII
 Cambri carnaruan anglis natum dabit agnum (*18 lines*)
 ... Hinc terrena spuens sanctus super ethera scandit

Walther 6296. Ed. Wright, *Political Poems* 1. 123-215. Bd has the verse text only, without the Ergom commentary; it lacks four lines of the text printed by Wright, but also has 29 extra lines. For a recent study of the poem, see Paul Meyvaert in *Speculum* 41 (1966) 656-64. The verses 'Cambri carnaruan' are not part of the Bridlington prophecy, and are usually found (e.g. in Digby 186) with the title 'Versus de Gilde de Sexto Hibernico'. I am very grateful to Professor Michael J. Curley of the University of Puget Sound for advice on the poem.

13. Babio

- fol. 94vb DE BABIONE ET CROCEO DOMINO BABIONIS ET VIOLA FI-
 LIASTRA BABIONIS QUAM CROCEUS DUXIT INVITO BABIONE
 ET PETULA VXORE BABIONIS ET FODIO SERVO EIUS. INCIPIT
 PREFACIO IN LIBRO BABIONIS
 Me dolor infestat foris intus iugiter omnis
 fol. 97va ... Sunt incredibiles vxor alumpna cliens

Walther 10821. Ed. E. Faral (Bibliothèque de l'Ecole des Hautes Etudes 293; Paris, 1948), and from Digby 53 by A. K. Bate (Toronto, 1976); see Tx No. 50. Faral argues that Bd and Digby 53 agree in error ten times, but these readings are acceptable variants. The author's final line is omitted: a space of four lines at the top of fol. 97vb may have been intended for the conclusion (or for a heading to No. 14).

14. Nigel de Longchamps: Speculum stultorum

- fol. 97vb SPECULUM BURNELLI MERITO LIBER ISTE VOCATUR
 CUIUS SUB SPECIE STULTORUM VITA NOTATUR
 Suscipe pauca tui veteris Willelme Nigelli
- fol. 114ra ... Quam cum virtutum munera spreta iacent
 BURNELLI DICTA MULTO MODERAMINE FICTA
 SPERNERE QUI QUERIT SEMPER ASELLUS ERIT
- fol. 114ra MORALITAS SPECULI BURNELLI
 Dilecto et in Christo diligendo ...
- fol. 115vb ... cauterium admittant. EXPLICIT. AMEN

Walther 18944. Ed. J. H. Mozley and R. R. Raymo (Berkeley, 1960); 'Moralitas', ed. Mozley, *Medium aevum* 39 (1970) 13-20. For further bibliography, see Tx No. 1. Bd. Bodley 761, and Lambeth Palace 357 all have a lacuna 2483-3258 and end at 3448, and are thus in a separate family from Tx; of these three manuscripts only Bd has the prose 'moralitas'.

15. Battle of Neville's Cross 1346

- fol. 116ra Corda superborum Scotorum destrue Christe
 fol. 116vb ... Spes tua conamen victoria lux releuamen

Walther 5041. Ed. Wright, *Political Poems* 1. 41-51, from BdTxRb (sole witnesses); see Tx No. 16, Rb No. 7(a) (*inc. Dux Valeys*). Bd lacks the first 26 lines and has many omissions, but has 20 extra lines at the end. For Rb's verse No. 7(c), see below, fly-leaf poem No. 43.

16. Battle of Crécy 1346

- fol. 116vb Francia feminea pharisea vigoris ydea
 fol. 118rb ... Gloria solamen sit Christus in omnibus amen. Explicit

Walther 6833. Ed. Wright, *Political Poems* 1. 26-40, from BdTxRb (sole witnesses); see Tx No. 15, Rb No. 5(a). Bd differs slightly from the TxRb version.

17. Verses

- fol. 118rb O niger intrusor et sancte sedis abusor,
 Virginibus cede, presumpta sede recede:
 Sufficiunt fures bini, non addito plures

Walther 12817, from Harley 3362 only. I suspect that the poem refers to the presence of friars (*niger intrusor* 'Dominican') in crucifixion scenes: see my *Glastonbury Miscellany* (Oxford, 1968), No. XXX, p. 78.

18. Apocalypsis Goliae

- fol. 118va APOCALIPSIS MAGISTRI GALTERI MAHAP SUPER VITA ET
 MORIBUS PERSONARUM ECCLESIASTICARUM

fol. 120vb A tauro torrida lampade cinthii
... Mentis vestigia fecisset lubrica. Explicit

Walther 91. Ed. K. Strecker (Rome, 1928), using BdTx amongst others. See Tx No. 55, Rb No. 17:

19. Riddle

fol. 120vb Que noua praua nimis peiora nouissima primis;
Rex venit et sua gens nil probitatis agens.
Litera bina mei comprehendit nomen amici,
Montibus vna salit, maxillas altera tegit

Walther 15015; unique. I have not solved it.

20. Vitalis of Blois: Geta

fol. 120vb INCIPIT COMEDIA DE GETA. PROLOGUS
(C)armina composuit voluitque placere poeta
fol. 123ra ... Birria geta hominem se fore, queque placent

Walther 7272. Ed. E. Guilhou in G. Cohen, *Comédie latine* 1 (Paris, 1931), pp. 1-57, without reference to English manuscripts. See Tx No. 51. Scribe: Dodsthorp (cf. fol. 5r-v). Fol. 123v blank.

PART III: fols. 124-208

Piers Plowman

fol. 124r (a) In a somer sesoun wen softe was the sonne
fol. 140v ... At þe doom þat we deden al as he vs bad 7 tawthe
And þat it so mote be to god preye we all
To vs 7 all cristin god leue it so be ffall. Amen
Explicit vita et visio Petri Plowman
fol. 141r (b) Thus y robed in russet y romed aboute
... And seþe he gradde after grace tyl y gan awake
Explicit passus secundus de Dobest

(a) A-text, ending at Passus VIII. 184; (b) C-text, beginning at Passus XI. 1. See *Piers Plowman: The B Version*, ed. G. Kane and E. T. Donaldson (London, 1975), p. 14 n. 95. Kane describes the first part, to fol. 140v, as 'conflated and sophisticated There is no doubt that its origin was in the A tradition. It has also an unmistakable element of C version lines and a few lines and readings characteristic of B.' If Part III(a) of Bd was part of John Wells's book (see above, p. 390), this raises some interesting questions about the traditional dating (c. 1390) of the C-text. On the nature of the conflated A-text (which ends in a corrupt form similar to that of Kane's MS. J), Kane conjectures: 'One possibility is that the early part ... was copied from a text produced by someone acquainted with all versions of the poem, literate and able to write tolerable long lines, who was

restoring from memory, and occasionally by sophistication, a physically very defective copy, very imperfect, or in many places defaced, or both, of the A version. The other possibility is that the whole of the 'A' component of the manuscript is merely a memorial reconstruction' As we have seen, the text up to VIII. 88 was copied by *X* and completed to 184 by *Q* in the fifteenth century. Unless *Q* was capable of the same memorial reconstruction as *X*, we must adopt Kane's first alternative and assume that both scribes followed a corrupt exemplar.

The second part, from fols. 141r to 208r, is described by Kane as 'a good text of C'. It is interesting that this combination (A-text I-VIII and C-text XI to the end) is also found in the National Library of Wales MS. 733B (s. xv, damaged at the beginning and end): see *Piers Plowman: the A-version*, ed. G. Kane (London, 1960), pp. 12-13. A line from *Piers Plowman* is written by Dodsthorp on fol. 3r (No. 54), but it was not copied directly from Bd (where it appears on fol. 126v).

fol. 208v

A list, written by Dodsthorp, of seventeen abbey officials (e.g. *celerarius*, *camerarius*) or officials of dependent houses (e.g. *Prior Sancti Iuonis*, *Custos Bernuel*), with small sums of money against each name (e.g. *Infirmarius ij s. ij d.*) The presence on the list of 'Ranulphi abbatis' (abbot 1231-53) suggests that the list may be of sums of money assigned for specific monastic purposes (in Ranulph's case, perhaps for an office in his name).

APPENDIX: fols. 1-4

This extra quire of fly-leaves (not included in the final series of quire numbers) may have been added by Dodsthorp, the final compiler of the manuscript. Nos. 22-45 (fol. 2v) and 53 and 55 (on fol. 3r) had already been written when Dodsthorp began to make his own entries. He filled fol. 2r and the remainder of fols. 2v and 3r, and wrote at least one of the poems on fol. 4v; the rest was left blank (fol. 1r was later used by librarians). There are over seventy items, a few English or French but most Latin; the mixture is typical of fly-leaf poetry of the period: there are items of local interest, riddles, proverbs, literary extracts, drinking and begging poems, etc. Some entries are difficult to read and decipher; others are obscure in themselves. Bibliographical details (where known to me) are given in the notes which follow; reference is made to the *Index of Middle English Verse* (New York, 1943) by C. Brown and R. H. Robbins, and the *Supplement* (Lexington, Ky., 1965) by Robbins and J. L. Cutler. I have silently corrected minor slips (such as extra minims) and ignored cancelled words and letters.

fol. 2r

1. Si capud est, currit; ventrem sibi iunge, volabit;
Adde pedem, comede, vel sine ventre, bibe.

Muscatum

2. Est puer inberbis sine sensu, non sine verbis.
3. O benedice pie, prece virginis alme marie,
Venturis annis Wellis memorare Iohannis:
Doctor erat gratus, prudens, pius, hic tumulatus,
Moribus ornatus, venerans fuit et veneratus.
4. Salve, Tyrel, salve, salueris, episcopo calue.
5. Est tua vel cuius? Mea non, sed pauperis huius.
6. Allea, vina, venus, pulvis, ventus, faba, fumus:
Ista nocent oculis, sed vigilare magis. quod dodissethorp
7. Wlnera quater centum sunt Christi milia quinque ... (4 lines)
Nota secundum eusebium tot wlnera Christus habuit: quinque milia
quatraginta lx^a et quindecim
8. Ori quinque placent; si quatuor, aere pendent;
Si tria, pes homini; si duo dulce sonat. dapes
9. Quod fueram non sum — barbam, capud aspice tonsum —
Huc veni; noli credulus esse doli. vlpes
Vestis honesta quidem, sed quod fuerat tibi pridem
Est cor semper idem: cur dare nolo fidem! galina
10. Insiapiens, seruus, nuptus quoque, racio, morbus.
11. Wlgus vel monachi, mulieres siue caballi,
Cum peregrinantur, peiores efficiuntur.
12. Vt te collaudem, fac fraudem fallere fraudem;
Cum fraus fraude perit, laus tibi maior erit.
13. Calciamenta peto tua, sunt mea fracta, videto!
14. Hic fons, fons ille, tibi mentum more sibille, etc.
15. Nuncius istorum ter quinquaginta pirorum
Si numerum minuat, corpore queso luat! dodisth'
16. Promittebatur capo sed gallina dabatur;
Quod fuit auca heri, modo wlt vt sinus haberi. o quod dod'
17. Christe, Dei verbum, michi pectus tolle superbum.
18. Versis retro pilis iuuenescit calua senilis;
Retrofacta scisma causatur fronte sophisma.
19. Simplex prelatus fuit Odo ꝑe gode vocatus;
Pro bonitate modo manet in celestibus Odo.

2 Written in margin. 3 See above, p. 392. *prudens* written twice, first cancelled. 4 I can find no record of a Bishop Tyrel. 5 Walther 5875. 6 *Sprichwörter* 810. 8 Walther 13475. 9 Walther 16259. 10 *racio* glossed *i. debitor*; margin: *Monachi ex...* (illegible). 12 Cf. Ovid, *Ars amatoria* 3. 491; repeated as No. 60 below. 16 *sinus* = *cygnus*. 17 Cf. Walther 2688. 18 Obscure. 19 Odo, archbishop of Canterbury, died 959.

20. Be God and seynt Hillare ... (2 stanzas, *aaab aaab*)
 21. Pontificum spuma michi mantellum sine pluma ... (6 lines)
 22. O tu gauter vandr
 23. In primo scribas va. qui scribere curas. Nota sonat puer alta silet cras sit tibi
 merces si capud abstuleris /... vanum dico laboras
 24. Sermo propheta ius fur piger et medicina Immemor accusans rex heremita
 iubet
 25. Intus quis? Tu quis? Ego sum. Quid queris? Vt intrem.
 Fers aliquid? Non. Esto foris. Fero quid. Satis, intra!
 26. Seruos seruiles solebat dicere miles
 Clericos claustrales monachus sed imperiales.
 27. A potu primo pectus purgatur ab ymo ... (11 lines)
 28. Si bene perpendi sunt cause quinque bibendi:
 Hospitis aduentus, presens sitis atque futura,
 Occasus solis, et ne pereant mea iura.
 Egrotare potes, nisi vinum post pira potes.
 29. Falco pica lupus casellum cor leue lutus;
 Sic docet astutum cor retinere suum.
 30. Auctor amoris ait Naso, pars maxima rerum
 Offenditur si non interiora tegas etc.
 31. Ve tibi mi siate modicum quia defluit a te ... (5 lines)
 32. In cratere meo tetus est coniuncta leeo ... (4 lines)
 33. O tu pincerna qui seruicie dominaris ... (4 lines)
 34. Da vinum docto, stulto laico de flumine cocto.
 35. Plus puero puer es pueris qui totus adheres:
 Dum pueris heres, comoda pauca feres.
 36. Symonis exemplo sint prelati bene tuti:
 Tucius in templo quam regum curribus vti.
 37. Si cur quando fuge; tibi sint ... nisi nuge
 Freni vel vestis attraccio sit tibi testis.

20 *Index*, No. 569; printed by T. Wright and J. O. Halliwell, *Reliquiae antiquae*, 2 vols. (London, 1841-43), I. 259 'The Madman's Song', with No. 42 below. 21 Walther 14264; ed. W. Meyer, *Die Oxforder Gedichte des Primas* (Göttingen Nachrichten, 1907), No. 2, without Bd, which is closest to TLG, but garbled: Bd has lines 1a, 2b, 9-10 (altered), 13, 23, 2a + 1b. 22-23 Illegible. 24 Obscure. 25 Walther 9518. 26 Obscure. 27 Cf. Walther 9052 (and *Appendix*); Rigg, *Glastonbury Miscellany*, p. 65: Bd differs slightly. 28 Walther 17624 (and *Appendix*); '5' before *cause*. 29 The fable of the wolf, the crow, and the cheese. 30 Ovid, *Ars amatoria* 3. 229-30. 31 Walther 20000; *siate* = *cyathe*. 32 Walther 8870; ed. Meyer, *Primas*, No. 14; *Carmina Burana* I. 3, No. 194(i); *tetus* = *Thetis*. 33 Walther 13017 (and *Appendix*); printed from Harley 3362 in *Zeitschrift für deutsches Altertum* 84 (1953) 268; *seruicie* = *cerevisiae*. 34 *Sprichwörter* 4865. 37 Obscure.

38. Sunt duo Iacobi, Iacobus minor et Iacob ibi:
Maior habet baculum, sed minor non timet illum.
39. Dum potes, esto dator; post te veniet dominator ... (4 lines)
40. Pauperis et regis communis lex moriendi ... (6 lines)
41. Gallicus: Mortuus est brunus, non viuit forcior vnus.
Anglicus: Tantum sed mille meliores quam fuit ille.
42. I am a hert, I am no are ... (2 stanzas, aabb ccbb)
43. Est omnis Scotus Samson, Salamon, leo totus ... (3 lines)
44. Est venia coruis grauis censura columbis.
45. Spend and God send, alleluia; spare and go bare, tristicia.
46. Hoc opus expleui sub primi floribus eui;
Cum maior fuerit mundus minor et alter erit.
47. Summa ...: Laus Deo, pax viuis, requies eterna defunctis.
48. Thomas de Burgo cum wltu spectat alurgo.
49. Fallere gnarus homo Norfolchica venit ab humo.
50. Yuo transiuit rector dormit cap.. viuit
51. Retro pilis versis tibi basia coserat ers his.
52. Q. Premor et puer es, cur collo tam grauis heres?
Non lateat tibi res — quem fers est celicus heres.

fol. 3r

53. Ieo fas iose a suffler de set had mot gens ... mester.
54. Chastite wihtout charite brennit in helle
55. Io fasse de se que droyt est ...
56. Vita breuis casusque leuis nec spes remeandi ... (4 lines)
quod dodisthorp
57. Qui fratres odis, quos verba per aspera prodis,
Tu Iudam sequeris et Iudas alter haberis. quod dodisth'
58. Pauper homo letus, fortunam fronte salutat,
Et cum nil habeat, nil sibi deesse putat. quod dodisth'

39 Walther 4924. 40 Walther 13873, *Sprichwörter* 20987. 42 Printed as the second half of 'The Madman's Song': see No. 20 above; there is no reason to connect the two poems. 43 Walther 5786; see Rb No. 7(c). 45 *Index* and *Supplement* 3209, without Bd. 46 Glossed *opus* 'mundus', *expleui* 'compleui', *minor* 's. mundus'. 49 Cf. Tx No. 64, Rb No. 24; *humo*: MS. *huimo*. 50 St. Ives was a dependent house of Ramsey. 51 Obscure. 52 St. Christopher: see above, p. 388. 53, 55 Drawings of man with sickle; both lines illegible. 54 *Piers Plowman* B-text, l. 817 (Bd fol. 126v): the variant *brennit* (for *worth cheyned*) is not recorded elsewhere. 56 Walther 20660 (and *Appendix*); *nota bene* et ... in margin. 57 *Sprichwörter* 24100, 24101; in margin: *Nota pallee non dantur sed consueta opera exiguntur*. 58 MS. *frontem*.

59. Qui me corrodunt saltem post fata silebunt.
 60. Vt te collaudem fac fraudem fallere fraudem;
 Cum fraus fraude perit, laus tibi maior erit. quod dodisth'
 61. Hic canis est Fordam, hic collum da sibi cordam.
 62. Hoc bis non datur menp set sepc' nominettur
 63. Lauti laudate, dicunt miseri miserere, etc. quod dodisth'
 64. Profuit ad meritum tendere colla grui.
 65. Nato de scorto pira porto cum pede torto.
 66. Nota: quatuor erant socii componentes hos versus de duabus situlis pendentibus iuxta fontem, variatis versibus, sententia non variata, etc.:
 Hee situle pendent bibule variant vice prima:
 Cum redit ebrea pars sua sobria tendit ad yma.
 Hee situle pendent patule variant vice versa:
 Retrogradum petit vna gratum, redit altera mersa.
 Haustra pericula, maxime pendula, bina notescunt:
 Dant simul obuia fronte crudelia, nec requiescunt.
 Hausta gemella vicem, potandi pendula mutant:
 Dum saciata Iouem, tedidem vacuata salutant.
 67. Ad varios fines vario de vertice crines
 Vertit ricardus ne pereat ipse pilardus.
 68. Cama canis parcus cornu catapulta vir archus
 69. Pre. mia. vi. tis. datur hanc mors dira f. vitis
 70. Hec sunt signa theos: aquila, vir, leo, bos.
 71. Episcopus in textu loquitur canonico:
 Bestia que tangit montem lapidis ruit ictu;
 Hoc quid sit dictu, frater carissime, dic tu.
 Canonicus respondet in glosa episcopo:
 Bestia canonicus mons femina pontificalis
 Ex ictu lapidis priuacio canonicalis.
 72. Pro meritis vite dedit illi laurea nomen;
 Detur ei vite laurea pro meritis.
 73. Si omnes forent fideles minime valerent lokeris and laweris.
 74. Qui super es tu qui superes successor honoris
 Degeneres si degeneres a laude prioris.
 75. Roma breuis scitur testudine dum sepelitur,
 Itur, reditur, nescitur vbi reperitur.
 Sarcina Walteri iuuenes premit et tulit
 Willelme velut ... conuenient veteri.

60 See No. 12 above. 61 Probably nothing to do with the Fordam who was bishop of Durham 1382-88 and of Ely 1388-1425. 62 Obscure. 64 *Babio* 12. 65 *Sprichwörter* 15920 (Juvenal). 67-69 Obscure. 73-75 in margin. 74 Cf. *Sprichwörter* 24839a. 75 Obscure.

fol. 4v

- 76. Francisco fundente preces vt tempore multo ... (8 lines)
- 77. Wan gonaway chal on curteis calle ... (8 lines)
- 78. *Table of consanguinity*

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76 Walther 6844. 77 *Index Supplement* 3951.5; ed. R. H. Robbins, *Historical Poems of the Fourteenth and Fifteenth Centuries* (New York, 1959), pp. 316-17.

MARRIAGE THEORY AND PRACTICE IN THE CONCILIAR LEGISLATION AND DIOCESAN STATUTES OF MEDIEVAL ENGLAND *

Michael M. Sheehan, C.S.B.

THE law codes and disciplinary treatises and collections of the late Anglo-Saxon period included an important body of regulations touching sexual discipline and the requirements of the celibate and the married states. Sexual activity was permitted only within matrimony. Regulations touching the marriage and celibacy of the clergy and the requirements of religious life were developed at some length. Finally, the requirements for true marriage were considered: here there were regulations on impediments and freedom to marry, precocious notions on the necessity of consent by the woman and some consideration of the quality of the relationship between the spouses. These matters are known to have been among the objects of the reform movement associated with St. Dunstan but, with minor exceptions, the councils of his time did not leave a body of legislation in their regard. It was after a generation of war with Danish invaders and, in part at least, in response to the resulting religious and social dislocation that the regulations in question appeared in a series of royal laws and disciplinary regulations derived for the most part from the circle of Wulfstan of York.¹

* The following sigla will be used:

- Alberigo = *Conciliarum oecumenicorum decreta*, ed. Joseph Alberigo et al., 3rd edition (Bologna, 1973).
- DDC = *Dictionnaire de droit canonique*, ed. A. Villein, E. Magnin and R. Naz, 7 vols. (Paris, 1935-65).
- DTC = *Dictionnaire de théologie catholique*, ed. A. Vacant et al., 15 vols. (Paris, 1902-50).
- P-C = *Councils and Synods with Other Documents Relating to the English Church*, ed. F. W. Powicke and C. R. Cheney, 2 vols. (Oxford, 1964).
- Pontal = *Les statuts synodaux français du XIII^e siècle*, vol. 1: *Les statuts de Paris et le synodal de l'Ouest (XIII^e siècle)*, ed. Odette Pontal (Collection de documents inédits sur l'histoire de France. Section de philologie et d'histoire jusqu'à 1610. Série in-8°, vol. 9; Paris, 1971).
- W = *Concilia Magnae Britanniae et Hiberniae*, ed. David Wilkins, 4 vols. (London, 1737).

¹ See Frank Barlow, *The English Church 1000-1066* (London, 1963), pp. 143-45, 258-61 and passim; R. R. Darlington, 'Ecclesiastical Reform in the Late Old English Period', *English Historical Review* 51 (1936) 385-428; M. M. Sheehan, 'Marriage and Family in English Conciliar and Synodal Legislation' in *Essays in Honour of Anton Charles Pegis*, ed. J. R. O'Donnell (Toronto, 1974), pp. 205-206.

THE ANGLO-NORMAN COUNCILS AND MARRIAGE

With the coming of the Normans the ecclesiastical council became once more a common vehicle of reform and of the instruction preliminary to reform.² In the period between Lanfranc's Legatine Council of 1070 and the end of the twelfth century legislation was cast largely in a context of church order with the concentration on the office and discipline of the clergy that would be expected. All of the regulations touching the topics under examination here, with a few important exceptions, were the work of legatine or primatial councils and applied to all of England.³ The exceptions were Archbishop Hubert Walter's Legatine Council for the Province of York (1195) and his Provincial Council of Westminster (1200).

General regulation of sexual abuse did not loom large in the canons of the Anglo-Norman period. A call to penance for sins of adultery, rape and fornication was among the penitential decrees associated with the first council held under the new regime over which Lanfranc presided in 1070,⁴ and condemnations of perversion were included in the long-delayed council that Anselm was able to assemble as Primate in 1102.⁵ It was the sexual discipline of the clergy that was the main focus of interest. Prohibitions of acts forbidden all Christians were joined with a series of regulations denying marriage to those in major orders. As canon 7 of the Second Council of the Lateran became understood, the possibility of matrimony for these clerics was ended. By the beginning of the thirteenth century it seems to have been generally recognized that major orders and religious vows were an impediment to marriage.⁶

Legislation touching marriage itself developed more slowly, main progress beginning only as the canons on clerical celibacy assumed their essential position. In the earliest Anglo-Norman councils the question of impediments loomed large. Thus the national council over which Lanfranc presided in 1075 forbade the

2 See Heinrich Böhmer, *Kirche und Staat in England und in der Normandie im XI. und XII. Jahrhundert* (Leipzig, 1899), pp. 44-48, 91-97.

3 See M. Brett, *The English Church under Henry I* (Oxford, 1975), pp. 75-82 and the list of councils in *Handbook of English Chronology*, ed. F. M. Powicke and E. B. Fryde, 2nd edition (London, 1961), pp. 549-50; cf. C. R. Cheney, 'Legislation in the Medieval English Church', *English Historical Review* 50 (1935) 195-96.

4 c. 12 (W 1.366); cf. Brett, *The English Church*, p. 156 n. 2.

5 c. 29 (W 1.383).

6 See especially the Councils of Westminster 1125 c. 13, 1127 c. 5, 1175 [c. 1] (W 1.408, 410, 477) and 2 Lateran 7: 'Huiusmodi namque copulatione, quam contra ecclesiasticam regulam constat esse contractam, matrimonium non esse censemus' (Alberigo 198). Cf. Mary G. Cheney, 'Pope Alexander III and Roger, Bishop of Worcester, 1164-1179: The Exchange of Ideas' in *Proceedings of the Fourth International Congress of Medieval Canon Law, Toronto, 21-25 August 1972*, ed. Stephan Kuttner (Monumenta iuris canonici, Series C: Subsidia 5; Vatican City, 1976), pp. 207-27, especially pp. 211-17.

marriage of those related within the seventh degree of consanguinity and affinity, a regulation repeated in the Legatine Council of John of Crema held at Westminster in 1125.⁷ Canon 25 of Anselm's council of 1102 referred only to the relationship of consanguinity, again to the seventh degree, but it included a clause that was heavy with the future. It sought to bring the knowledge and pressure of society to bear on the enforcement of this regulation: those aware of a relationship that would make a marriage incestuous were bound to reveal it or be guilty of the same crime.⁸ The prohibition would be expressed again at the Provincial Council of Westminster (1200), c. 11, but — and the fact is significant — the forbidden degree was not specified.⁹ In the same canon a further impediment was stated, that of spiritual affinity rising between a person baptized and all the children of those who baptized and sponsored him.

A regulation touching the establishing of the marriage bond also appeared quite early. Thus Lanfranc's Winchester council of 1076 decreed that it required a priestly blessing, going on to assume the extraordinary position that without this religious act the marriage was null.¹⁰ The matter appeared again in the Provincial Council of Canterbury at Westminster (1175), where an old canon, long associated with Pope Hormisdas and included in the *Decretum*, forbade secret marriage.¹¹ It added that a public blessing by the priest should be included, but did not question the validity of the act when the blessing was omitted. Since there was provision for the three-year suspension of a priest who failed to obey this canon, it seems that it was already understood that the term 'secret marriage' could indicate an exchange of consent involving a blessing by a priest. The growing pressure for publicity in the whole procedure of marriage was expressed much earlier in the ruling of the Council of Westminster (1102), c. 23, touching

⁷ C. of London (1075) [c. 6], C. of Westminster (1125) cc. 16, 17 (W 1.363, 408-409).

⁸ 'Ne cognati usque ad septimam generationem ad conjugium copulentur, vel copulati simul permaneant. Et si quis hujus incestus conscius fuerit, et non ostenderit, ejusdem criminis se participem esse cognoscat' (W 1.383).

⁹ W 1.507; here the reference was only to affinity: 'Vir non contrahat cum aliqua consanguinea olim uxoris suae; similiter nec uxor cum aliquo consanguineo quondam viri sui.'

¹⁰ 'Praeterea statutum est, ut nullus filiam suam, vel cognatam det alicui absque benedictione sacerdotali; si aliter fecerit, non ut legitimum conjugium sed ut fornicatorium judicabitur' (W 1.367). Cf. Korbinian Ritzer, *Formen, Riten und religiöses Brauchtum der Eheschliessung in den christlichen Kirchen des ersten Jahrtausend* (Liturgiewissenschaftliche Quellen und Forschungen 38; Münster, 1962), pp. 325-29.

¹¹ 'Ex decretis Ormisdae papae. Nullus fidelis, cujuscunque conditionis sit, occulte nuptias faciat; sed benedictione accepta a sacerdote, publice nubat in Domino. Si quis ergo sacerdos aliquos occulte conjunxisse inventus fuerit, triennio ab officio suspendatur' (W 1.478). The first clause, 'Nullus ... Domino', is Gratian C.30 q.5 c.2. The second clause provided the penalty of three years suspension that would be used in 4 Lateran 51. On the history of this canon see C. N. L. Brooke, 'Canons of English Church Councils in Early Decretal Collections', *Traditio* 13 (1957) 471-80, especially 479.

betrothal: promises to marry made without witnesses were to be considered null if either party denied them.¹²

A further innovation, touching consent and an impediment based on its lack, appeared in a canon of the Provincial Council of Westminster (1175).¹³ The first part of the canon was ascribed to Pope Nicholas. It began with the statement that, without the consent of the parties, there could be no marriage. This rule seemed to have been taken as generally understood, for it was obviously intended to be the principle on which the ruling of the canon was based: when children had been given in marriage nothing was effected until both, having come to discretion, gave their consent. In the Friedberg edition of the *Decretum Gratiani* the text reads as follows: 'Ubi non est consensus utriusque, non est coniugium. Ergo qui pueris dant puellas in cunabulis, et e conuerso, nichil faciunt, nisi uterque puerorum post, quam uenerit ad tempus discretionis, consentiat, etiamsi pater et mater hoc fecerint et voluerint.'¹⁴ The last clause of this canon was expressed more strongly in the *Panormia* of Ivo of Chartres and in one tradition of the *Decretum*. It read: 'nec est coniugium nisi fiat utriusque consensus, etiamsi pater et mater hoc fecerint et voluerint.'¹⁵ But in the Westminster version this last clause was omitted and a qualification added that undermined the principle on which the canon was based. While the point was made that the free choice of spouse by children was to be more protected in the future, it conceded that the unions of minors would be tolerated in urgent necessity to bring about peace: 'Hujus ergo decreti auctoritate inhibemus, ne de caetero aliqui, quorum uterque vel alter ad aetatem legibus constitutam et canonibus determinatam non pervenit, conjungantur, nisi forte aliquando, urgente necessitate, interveniente, pro bono pacis conjunctio talis toleretur.'¹⁶ It was in this form that the canon would appear in the *Compilatio prima* and in the *Decretales* of Gregory IX.¹⁷

Most of these earlier regulations were assembled, rendered consistent and developed in Hubert Walter's Provincial Council of Westminster (1200), c. 11.¹⁸

¹² W 1.383.

¹³ c.18 (W 1.478-79).

¹⁴ C.30 q.2 c.un. (*Corpus iuris canonici*, ed. A. Friedberg, 2nd edition [Leipzig, 1879; rpt. Graz, 1955], 1.1100).

¹⁵ *Panormia*, lib. 6 c.122 (PL 161.1275); C.30 q.2 c.un. (ed. Friedberg, 1.1100 n. 9).

¹⁶ W 1.479. See below, pp. 420-21.

¹⁷ *Comp. I^a, 4.2.4* (*Quinque compilationes antiquae*, ed. A. Friedberg [Leipzig, 1882], p. 45); X, 4.2.2.

¹⁸ 'Vir non contrahat cum aliqua consanguinea olim uxoris suae, similiter nec uxor cum aliquo consanguineo quondam viri sui. Et susceptus in baptismo, non contrahat cum filia baptizantis vel suscipientis, ante, vel post genita. Nec contrahatur aliquod matrimonium sine trina denunciatione publica in ecclesia, neque si fuerint personae incognitae. Sed nec copulentur aliquae personae

Prohibition of marriage between those related by affinity (without the specification of the seventh degree), and between those impeded by spiritual relationship resulting from baptism was stated. Furthermore, procedure for providing adequate opportunity for social control appeared in the regulation that no marriage was to take place before it had been publicly announced three times in church. The marriage itself was to be solemnized publicly before the Church in the presence of the priest.¹⁹ If the union were effected otherwise the principals were to be excommunicated with reservation to the bishop. Finally, in an interesting reflection on the legislator's determination that the couple should be together, it was ruled that separation should not be occasioned by a spouse's departure on pilgrimage unless mutual consent were publicly expressed.²⁰

THE DIOCESAN STATUTES AND MARRIAGE

Canon 11 of the Council of Westminster marked an important moment in the growing regulation of marriage. Its compact and consistent presentation provided a sound base for later English developments and reveals something of that local experience and legislation that lay behind the constitutions of the Fourth Lateran Council (1215).²¹ It also marked the last occasion on which councils of medieval England would make major innovations in marriage regulation. The new instruments of discipline and organization were to be the diocesan statutes, most of which were issued by bishops in their synods. It is well known that the fifty years after the publication of the Lateran constitutions were a time of unusual synodal activity throughout the western Church; England was one of the leaders in this effort at reform. Many of the English synods saw the promulgation of sets of regulations that implemented general church law with the detail that was only possible on the local level and that, to a considerable extent, instructed the parish clergy in the theology that lay behind the rules which they were expected to enforce. These synodal regulations and other collections published directly by the bishops were to provide one of the major means by which important develop-

matrimonio, nisi publice in facie ecclesiae, et presente sacerdote; et si secus factum fuerit, non admittantur alicubi in ecclesia, nisi speciali auctoritate episcopi. Nulli etiam conjugatorum liceat iter remotum peregrinationis arripere, nisi mutuo consensu publicato. Salvo in omnibus, etc.' (W 1.507).

19 The phrase 'in facie ecclesiae' is understood to mean the local community considered in its religious capacity. The phrase 'nisi speciali auctoritate episcopi' is understood to refer to the admission of the couple to church *after* the marriage contravening the canon and not to a dispensation granted the couple to marry without observing the regulation requiring the publicity of the act and the presence of a priest.

20 Cf. James A. Brundage, *Medieval Canon Law and the Crusader* (Madison, 1969), pp. 30-65.

21 Cf. F. Broomfield, ed., *Thomae de Chobham Summa confessorum* (Analecta mediaevalia Namurcensia 25; Louvain, 1968), pp. XL-LVIII and Pontal LXVII-LXIX.

ments in the understanding and practice of marriage were implemented during the thirteenth century.²²

The Council of Westminster provided the basis for the treatment of marriage and associated matters in the earliest set of episcopal statutes, those published by Archbishop Stephen Langton for the diocese of Canterbury (1213 × 14).²³ There, within a long series of regulations organized loosely around the sacraments, the canons of 1200 were restated with some adjustment and development. The prohibitions of unions impeded by affinity (once again, without specific reference to the number of degrees), of marriage to an unknown person and without banns, and the refusal to allow clandestine marriage were repeated (cc. 53, 54). The suspension of the disobedient priest reserved to the bishop was added, while the prohibition of the separation of married couples due to the pilgrimage of one of the spouses was omitted. Two important clauses were added in 1 Canterbury 55. First, in a regulation echoing that of Anselm's Legatine Council of 1102, parish priests were ordered to forbid private betrothal and to insist that it be before witnesses who would testify to the act were it called into question. Second, — here we have the first recognition of a position long debated by canonists and theologians — it was stated that carnal union, following an agreement to marry, would be regarded as marriage by the Church, which would require it to be observed as such.²⁴

22 See C. R. Cheney, *English Synodalia of the Thirteenth Century* (London, 1941; rpt. 1968), pp. v-x, 34-50 and 'Statute-making in the English Church in the Thirteenth Century' in *Medieval Texts and Studies* (Oxford, 1973), pp. 138-57. For other means of implementation see below, n. 213.

23 Statutes to which frequent reference will be made are edited in P-C; the method of reference used there will be followed with minor changes. The first set of statutes for the diocese of Canterbury are cited as 1 Canterbury, the second set as 2 Canterbury etc. Thus 1 Canterbury 2 refers to the second canon of the first Canterbury statutes. The different collections, their dates and their pagination in P-C are as follows: 1 Canterbury (1213 × 14), pp. 23-36; 2 Canterbury (1222 × 28), pp. 165-67; Carlyle (1258 × 59), pp. 626-30; 1 Chichester (1245 × 52), pp. 451-67; 2 Chichester (1289), pp. 1082-90; 3 Chichester (1292), pp. 1115-18; Coventry (1224 × 37), pp. 207-26; Constitutiones cuiusdam episcopi (1225 × 30?), pp. 181-97; 1 Durham (1228 × 36), p. 201; 2 Durham (1241 × 49), pp. 421-35; 3 Durham (1276), pp. 817-20; Durham Peculiars (1241 × 49?), pp. 435-45; Ely (1239 × 56), pp. 515-24; 1 Exeter (1225 × 37), pp. 227-37; 2 Exeter (1287), pp. 982-1059; Lincoln (1239?), pp. 265-78; 1 London (1245 × 59), pp. 630-32; 2 London (1245 × 59), pp. 632-58; London Archdeaconry (c. 1229 × 41), pp. 325-37; Norwich (1240 × 43), pp. 342-64; 1 Salisbury (1217 × 19), pp. 57-96; 2 Salisbury (1238 × 44), pp. 364-87; 3 Salisbury (1228 × 56?), pp. 510-15; 4 Salisbury (1257), pp. 549-67; so-called Statutes of John Pecham (1279 × 92), pp. 1118-25; Synodal Statutes (1222 × 25?), pp. 139-54; Wells (1258?), pp. 586-626; 1 Winchester (1224?), pp. 125-37; 2 Winchester (1247?), pp. 403-16; 3 Winchester (1262 × 65), pp. 700-23; 1 Worcester (1219), pp. 52-57; 2 Worcester (1229), pp. 169-81; 3 Worcester (1240), pp. 294-325; 1 York (1241 × 55?), pp. 483-98; 2 York (1259), pp. 658-59.

24 '... quia si talem fidem carnalis copula subsequatur, ecclesia pro matrimonio hoc habebit, et faciet tanquam matrimonium observari' (P-C 35). See the discussion of this text below, p. 430.

Important as was this Canterbury collection, it was with the synodal statutes of Bishop Richard Poore for the diocese of Salisbury that the model for the new instrument of regulation and instruction was set.²⁵ Benefiting from the constitutions of the Fourth Lateran Council as well as from the impetus for reform that it provided, this set of regulations, clearly organized around the sacraments and on a scale hitherto unknown, would provide the impetus and the direction for more than a half century of remarkable legislation. Marriage received successful regulation there and in the dozen or more statutes derived to a greater or less extent from it. A second period of progress was that between the statutes issued by Bishop Walter de Cantilupe in 1240 (2 Worcester) and those issued by Bishop William Bitton I about 1258 (Wells). From the point of view of the present study the great era of synodal production would end with the statutes for the diocese of Exeter issued by Bishop Peter Quinel in 1287. Regulations touching marriage would continue to be issued until the Reformation and beyond but, inasmuch as the present state of textual study permits an opinion, it was to concentrate on a few points, namely, the prevention of the clandestine union and the regulation of the jurisdiction hearing marriage cases. Furthermore, by and large this legislation became once again the work of the provincial council.

The statutes provided regulation of those three elements that were in tension and slow adjustment during the Anglo-Norman period, that is, the Church's teaching on the exercise of sexuality, on the celibate state and on the married state. The position that there was to be no sexual activity outside marriage, that adultery, fornication and perversion were serious sins, was established. The main development in the statutes was the creation of regulations that dealt with unacceptable sexual practices in the public forum. Only in the case where the resulting situation touched the possibility of marriage itself, need it be investigated here.²⁶ It had been made clear that religious vows and major orders constituted an impediment to marriage. Regulations for the enforcement of clerical continence and for the protection of the clergy from the occasions of sin were the main topics of interest in this matter found in the legislation of the period; for present purposes it can be set aside. It was only with the spread of the ideas of John Wyclif and in the religious crises of the Tudor period that the question of the value of celibacy and its relation to marriage would be raised again. The development of the regulation of marriage that began with 1 Salisbury was a complex process spread over about seventy years. Rather than try to examine each set of statutes as a unit, it has been deemed wiser to isolate different aspects of marriage — theory, impediments etc. — and analyse their regulation in the statutes and conciliar

²⁵ See Chèney, *English Synodalia*, pp. 51-89.

²⁶ See below, pp. 446-48.

legislation of the period between 1217 and the Reformation. This method would lend itself to a detailed study of the transmission of texts from one collection to another both within the country and between England and the Continent. However, no systematic research along that line is intended here. This study must be seen less as an essay in the history of canonical texts than in the history of the pastoral care that they were intended to inspire and direct.

THEORY OF MARRIAGE

With 1 Salisbury 15, 82 and 83, the broadened point of view of statute legislation immediately became evident; these regulations included instructions on the purpose of marriage and attempted to establish its place in the history of salvation. Canon 15 presented the sacraments in general; each of the seven was listed and its purpose specified. Following an ancient and very involved tradition that derived from 1 Corinthians 7, it was stated that in marriage the sin of fornication was avoided: 'in coniugio peccatum fornicationis vitatur'. These words were repeated in a similar context in five sets of statutes between 1217 and 1259²⁷ and, with minor variations, in two others between 1238 and 1287.²⁸ However, the view that saw marriage as a remedy for sin was refined in the short treatise, *De informatione simplicium sacerdotum*, that constituted canon 9 of Archbishop Pecham's constitutions issued at the Provincial Council of Lambeth in 1281. Here again, the context was a general presentation of the seven sacraments. However, the point of view had changed. While the earlier regulation of 1 Salisbury 15 and its derivatives listed the sacraments and their purposes, Pecham's canon was concerned with the grace of each. At the end of the section where order and matrimony, the two sacraments not required by all Christians, were described, it was pointed out that under the New Law marriage was for the imperfect. Then in a significant statement reflecting theological discussion of the previous generation the text added: 'et tamen ipsum ex vi sacramenti credimus largiri gratiam, si sincero animo contrahatur.'²⁹ This more positive statement,

27 2 Canterbury, 1 Durham, 1 Exeter 14, Durham Peculiars 11, 2 London 1 (P-C 165-67, 201, 232, 440, 634).

28 2 Salisbury 4: '... peccatum fornicationis excusatur' — an unhappy phrase — and 2 Exeter 1: '... per matrimonium fornicationis vitatur vitium' (P-C 367-68, 987).

29 '... however, we believe that, by the power of the sacrament, marriage bestows grace if it is received sincerely' (see P-C 905). Cf. Peter the Chanter, *Summa de sacramentis et anime consiliis*, ed. J.-A. Dugauquier, 1 (Analecta mediaevalia Namurcensia 4; Louvain, 1954), p. 19: 'In quolibet septem sacramentorum confertur cumulus gratie, excepto coniugio quod institutum est ad remedium et non ad augmentum'; and *Thomae de Chobham Summa confessorum*, pp. 90-91. On the canonists' difficulties with the notion of marriage as a source of grace, see *DTC* 9 (1927) 2207-14.

that likened matrimony to the other sacraments in the giving of grace, would have considerable importance in the following centuries.³⁰

The instruction on the purpose and role of the sacrament received further development in the section of the Salisbury statutes given to a detailed regulation of marriage. Statute 82 ordered the priest to commend the married state, to teach that it was the first of the sacraments, having been instituted by God in paradise, and to set out the goods of matrimony so that it would appear that 'in this life it is most desirable, good and privileged'. Finally, it was pointed out that only the children of a marriage were legitimate and worthy of ecclesiastical dignity and civil inheritance. This position was repeated in 2 Canterbury and 1 Durham and, with some adjustment of wording, in 2 London 42. Practical conclusions from these considerations were drawn in 1 Salisbury 83. This canon, entitled 'De reverentia matrimonii' and closely dependent on Paris 40, concluded that marriage should be celebrated with dignity and honour.³¹ It excluded not only offensive behaviour and unsuitable location of marriage but also forbade mock weddings, often a prelude to seduction, lest the mockers find themselves bound by the obligations of the married state.³² These regulations were repeated in the close derivatives of 1 Salisbury, namely, 2 Canterbury, 1 Durham and Durham Peculiars 50, and, though in a shorter form more directly dependent on the Paris statute, in Synodal Statutes 39 where there was the significant addition that marriage should be by day and before the Church. A final, more developed version in 2 London 42 included special reference to the necessity of maintaining dignity in second and third marriages.

A somewhat different tradition was begun in 3 Worcester 22. Here the teaching on the place of marriage in the history of salvation received a more compact statement. The notion of the sacrament as a remedy for concupiscence that had appeared in 1 Salisbury 15 was placed in the context of the fall of Adam and contrasted with its role before the original sin. The dignity of matrimony, symbolic of the union of Christ and the Church, and the difficulties that arise from error in its regard were set out as the motives for the regulations that followed. The *bona coniugii* were not mentioned in the context of reverence for marriage, but appeared in statute 25, where the priest was ordered to instruct the people on these goods and to teach them to raise their children in the love of

30 A Latin catechism based on Pecham's text was published at the Provincial Council of York by Archbishop John Thoresby in 1357. In the English translation that was appended, the phrase was rendered: 'In remedi of syn, and getyng of grace, If it be taken in gode attent and clenness of lif'. For these texts and the later Wycliffite translation see *The Lay Folks' Catechism*, ed. T. F. Simmons and H. E. Nolloth (EETS OS 118; London, 1901; rpt. Millwood, N.Y., 1972), pp. 68-69. Cf. the constitution of Archbishop George Neville of York (1466) in W 3.601.

31 Cf. P-C 87 and Pontal 66-67.

32 '... ne dum iocare se putat, honeribus matrimonialibus se astringat' (P-C 87).

God. There were to be no imitators of 3 Worcester in precisely this arrangement of material, but the approach of statute 22 was developed in Wells 9 and combined with 1 Salisbury 82 to express the reason for the reverence due the sacrament, namely, the goods of marriage and the rights of legitimate children. In this form, the teaching on the function and dignity of matrimony appeared in Carlyle 9 and York 9 within the next few months. A compact and rather elegant derivative of the Wells canon appeared in 3 Winchester 26 and a slightly more diffuse form served as introduction to the major treatment of marriage regulation that is found in 2 Exeter 7.

IMPEDIMENTS TO MARRIAGE

It has already been shown that, in the rather limited efforts at the regulation of marriage in twelfth-century English councils, it was impediments — especially those flowing from relationship and from orders and vows — that were the main subject of legislation. The first matter that had to be considered was whether the principals of a projected union were free to marry. The restrictions on their freedom were much discussed by canonists and theologians during the twelfth and thirteenth centuries and, as is well known, the Fourth Lateran Council, in a constitution with important social consequences, considerably enhanced the liberty of choice of spouse by limiting impediments based on relationship.³³ Yet, as will be seen, in the treatment of marriage in the conciliar canons and diocesan statutes of England after 1215 these impediments had a position of comparatively diminished importance. Were it not for the fact that, in the frequent setting out of regulations touching banns, impediments were mentioned in general terms or at least understood, it could be said that in most of these sets of regulations the impediments to marriage were ignored. In part this can be explained by the promulgation of the Lateran constitutions at the Provincial Council of Canterbury held at Oxford in 1222.³⁴

A list of six impediments derived from the Paris statutes of Eudes de Sully was included in 1 Salisbury 86, its three principal derivatives (2 Canterbury, 1 Durham and Durham Peculiars 52) and in 2 London 48.³⁵ In each case it was

33 4 Lateran 50 (Alberigo 257-58) = X, 4.14.8. See *DDC* 5 (1953) 266-84, s.v. 'Empêchements de mariage'.

34 See P-C 100, 104-106. The promulgation of the Lateran constitutions was explicit in 1 Winchester 1: 'Inprimis Lateranensis concilii secundi statuta in episcopatu nostro ab omnibus observentur' (P-C 126 and n. 1).

35 'In nuptiis semper prohibeatur sub pena excommunicationis sortilegia fieri et maleficia, et sub tali pena teneantur omnes qui celant impedimenta matrimonii: votum, ordinem, consanguinitatem, affinitatem, disparem cultum, compaternitatem. Et hec tantum iii^{or} personas ex-

stated that attempted marriage would result in excommunication, and in the Salisbury and the two Durham statutes it was ordered that a warning to this effect should be repeated in each parish. Furthermore, in a tract on penance attached to the statutes of Bishop Alexander Stavensby for Coventry and Lichfield, the confessor was instructed to enquire whether relationship or any other matter impeded his penitent's marriage.³⁶

There was little specific reference, in the portion of synodal statutes that dealt with the sacrament of marriage, to situations where impediments derived from a person's state. The impossibility of marriage for those in vows and major orders was included in the lists of 1 Salisbury as just mentioned; this fact was understood in the rules touching religious and the clergy that paralleled the treatment of marriage in the various statutes.³⁷ The impediment following on the fact that an individual was already married was implied in the many regulations imposing the banns, but explicit mention of this very important restriction occurred only in Chichester 29.³⁸ As in the earlier period, it was regulations touching relationship that received the most careful attention. They were included in the general lists of impediments but would receive more detailed statements as well.

It will be recalled that a canon of Hubert Walter's Provincial Council of Westminster (1200) forbade marriages where the impediment from an unspecified degree of affinity existed between the couple as well as those involving a relationship resulting from baptism.³⁹ This canon reappeared in 1 Canterbury 53 and *Constitutiones cuiusdam episcopi* 57. The last-mentioned set of statutes was compiled at least a decade after the Fourth Lateran Council and included some of its constitutions. However, there was no attempt to integrate the Lateran limitation of the impediment of affinity to the fourth degree with the text derived from the Council of Westminster. It was only in canon 95, one of a series appended to the collection, that the new regulation found its place. On the other hand 1 Salisbury 87 had already adjusted the earlier text by the insertion of the phrase 'usque ad quartum gradum'. As will be shown in more detail below, the

cludit a matrimonio: compatrem, commatrem, filiolum, fratrem vel sororem spiritualement, scilicet, filium vel filiam patrini. Et ista comminatio in singulis parochiis frequenter recitetur (P-C 88; also 166, 201, 444, 644). The last sentence of the canon was omitted in 2 Canterbury. Cf. Paris 42 and the more developed list in Synodal de l'Ouest 67 (Pontal 66-68, 182-83).

36 '... querendum est si credat legitimum esse matrimonium, scilicet quod ibi non sit compaternitas, consanguinitas, vel affinitas, vel aliquod aliud impedimentum...' (P-C 221).

37 See above, p. 409.

38 'In nuptiis prohibeantur ... celatio legitimum matrimoniorum et aliorum impedimentorum' (P-C 457). On the frequency of cases touching this impediment, see M. M. Sheehan, 'The Formation and Stability of Marriage in Fourteenth-Century England: Evidence of an Ely Register', *Mediaeval Studies* 33 (1971) 261-63, and R. H. Helmholz, *Marriage Litigation in Medieval England* (London, 1974), pp. 57-66, 76-77.

39 See above, n. 18.

Salisbury statutes integrated the canons from the Canterbury tradition with the Paris statutes of Eudes de Sully and the much more developed constitutions of the Lateran Council. The result was neither neat nor perfectly consistent, but statutes of the next twenty years would provide the desired refinement. For the moment, the Westminster canon as adjusted in 1 Salisbury 87 would reappear in 2 Canterbury and 1 Durham, but would go no further. Not only was 1 Salisbury 87 poorly drafted, but 1 Salisbury 86 and 90 dealt with the same problems in a more satisfactory manner. In the Canterbury tradition, the impediment of spiritual relationship (*compaternitas*) was said to lie between the baptized and a child of the minister or sponsor born both before or after the baptism.⁴⁰ In the version of the text in 1 Salisbury 87, reference to the minister was omitted. However, in the previous statute, drawing on Paris 42, the Salisbury legislator had presented the impediment as excluding marriage with the godfather, god-mother, other godchildren and the natural children of the sponsors.⁴¹ This statement of the impediment reappeared only in 1 Durham and Durham Peculiars 52. Aside from a more developed definition in 1 Exeter 24, the impediment of spiritual relationship would not occur again in the statutes.

The impact of the Lateran Constitutions was explicit in 1 Salisbury 90. In this statute were set out the new regulations on consanguinity and affinity within the fourth degree, the reasons for the change, the fact that long duration of such relationship did not excuse it, as well as the removal of the impediments derived from the second and third kinds of affinity and from the relationship of a child of a second marriage with a relative of the first spouse. This canon, in its fullness, would be used only in 1 Durham. With the clauses dealing with the second and third kinds of affinity and the marriage of the child of a second marriage omitted, it is found in 2 Canterbury and the *Constitutiones cuiusdam episcopi* 95, where it served to bring the collection up to date. A few years later, 2 Salisbury 26 stated the restriction of the impediment of consanguinity and affinity to the fourth degree, repeated the statement that long duration of such a relationship would not excuse it and, in a benign interpretation of 4 Lateran 50, declared that those descended in the fourth and fifth degrees from a common ancestor were permitted to marry.⁴² It was only in 1 Exeter 24 that the different strains were brought together. There, in a well-developed analysis of the persons excluded by spiritual relationship, the rule that the *de facto* marriage involving such a couple be declared invalid was followed by the brief statement that marriage within the

40 'ante vel post genita' (above, n. 18).

41 See above, n. 35. See *DDC* 3 (1942) 952-60, s.v. 'Cognatio spiritualis'.

42 'Ceterum enim qui a stipite quarto gradu cum ea que ex alio latere quinto distat ab eodem, licite dicimus matrimonialiter copulatum' (P-C 377).

fourth degree of affinity was forbidden. The impediment of consanguinity was mentioned in passing as something requiring neither statement nor explanation. With minor verbal changes this regulation would reappear in 2 London 10.

It is significant that though the statutes for Durham Peculiars repeated almost all of 1 Salisbury, the regulations touching the impediment of relationship were omitted. One has the impression that the diminished requirements in the Lateran statement on consanguinity and affinity were understood quickly and with ease. This tends to reinforce the suggestion that the omission of the degree of affinity in the Westminster canon and 1 Canterbury 53 implied that the limited prohibition, an example of the *specialem quorundum locorum consuetudinem* mentioned in 4 Lateran 51, already obtained in England.⁴³ It was only the specification of the list of persons excluded by the impediment of spiritual relationship that posed problems. It was nicely stated by the 1230's and was repeated only once.

The impediment of crimen was the subject of 1 Salisbury 79: priests were to teach that the adulterer might not marry the adulteress if, during the lifetime of her husband, he had promised to do so, nor could he marry her if he or she were involved in the death of that husband.⁴⁴ The impediment was repeated only in those statutes most closely derived from 1 Salisbury;⁴⁵ it would not appear again.

A final group of impediments touched cases where marriage was invalid because of lack of consent by the principals of the union. Although care to ensure proper consent was explicit or at least implicit in many statutes, it was only the impossibility of consent consequent on insufficient age and the resulting impediment that found a place in the regulations under examination here.⁴⁶ It will be recalled that the Provincial Council of Westminster (1175), c. 18, citing the ancient dictum 'Ubi non est consensus utriusque non est coniugium', forbade the marriage of minors. However, the canon allowed an exception where an urgent necessity such as the making of peace existed.⁴⁷ Two traditions touching this impediment would develop in the thirteenth century. The notion of limited dispensation appeared in 1 Winchester 60: 'Prohibemus ne quis inpuberes vel alium inpuberem atque alium adultum sine consensu nostro matrimonio copulare pre-

⁴³ Alberigo 258; see above, p. 412.

⁴⁴ 'Moneant et prohibeant sacerdotes ne quisquam cum ea contrahat matrimonium quam vivente marito suo polluit per adulterium; et hoc si adulter fidem dederit adultere de ea ducenda adhuc viro suo vivente, vel etiam si ipsa adultera vel adulter in mortem viri machinati sunt' (P-C 85-86). The first clause seemed to forbid any marriage between adulterers after they had been freed by the death of the spouse(s); cf. Gratian, C.31 q.1 c.1. However, were it so understood, the second and third clauses would have been unnecessary; see X, 4.7.6.

⁴⁵ 2 Canterbury, 1 Durham, Durham Peculiars 53.

⁴⁶ See below, pp. 445-46.

⁴⁷ See above, p. 411.

sumat.⁴⁸ It will be noted that here the minor's incapacity of consent as the basis of the prohibition was ignored. Marriages involving one or two minors were simply forbidden without the bishop's permission. This position was repeated in 2 Salisbury 23.⁴⁹ On the other hand, Norwich 42 and 2 Winchester 59 refused to allow such marriages.⁵⁰ Neither form of this regulation would appear again in conciliar canon or diocesan statute, but the original statement of 1175, ascribed to Archbishop Edmund Rich, was included in the brief treatment of marriage by Lyndwood in his *Provinciale*.⁵¹ Thus it was the twelfth-century regulation on the impediment of insufficient age that was kept before the canonist's eye in late medieval England. A similar point of view found a place in what appears to have been the draft of a code of canon law for the Church of England prepared in the last years of the reign of Henry VIII.⁵² Betrothal and marriage were forbidden to men and women who had not completed their sixteenth and fourteenth years respectively. The possibility of dispensation in the case of urgent necessity such as the making of peace was included at least for betrothal.⁵³

The list of six impediments in 1 Salisbury 86, mentioned above, occurred in a regulation that excommunicated those who, knowing of an objection to a proposed union, failed to reveal it. This excommunication was also applied to those who used sorcery and spells in marriage.⁵⁴ It is presumed that such action was considered capable of influencing the spouses, thus limiting or destroying their freedom so that their marriage was impeded by lack of consent.⁵⁵ This regulation appeared in the close derivatives of 1 Salisbury, namely, 2 Canterbury, 1 Durham and Durham Peculiars 52 and in 1 Chichester 29 and 2 London 48.

48 P-C 135.

49 The position is somewhat refined in 2 Salisbury 24: 'Pubes cum inpubere copulatus, nisi autem carnalis copula intervenerit, tempus expectet pubertatis, et tunc contractus confirmetur vel infirmetur' (P-C 376).

50 'Interdicimus quoque ne quis inter minores, quorum alter vel uterque ad annos canonibus vel legibus determinatos nondum pervenerint, nuptias audeat celebrare' (P-C 351-52). Thus 2 Winchester 59 withdrew from the position of 1 Winchester 60 after somewhat more than twenty years.

51 *Provinciale seu constitutiones Angliae* 4.2 (Oxford, 1679), pp. 271-72. Note the emphasis of the rubric: 'Ante tempus legitimum non contrahatur Matrimonium sine dispensatione pro bono pacis'.

52 The transcription of the proposed code derived from London, British Library Add. MS. 48040, was generously put at my disposition by Professor Donald F. Logan, who is preparing an edition.

53 'Districtius inhibemus ne masculus qui sextum decimum, mulier vero que quartum decimum sue etatis annum non compleverit matrimonium seu sponsalia contrahat, et quod contra factum fuerit nullum esse decernimus nisi urgentissima aliqua necessitas interveniat, ut pote pro bona pacis sponsalia tantum inter minores tollerantur' (fol. 71r).

54 See above, n. 35; cf. *DTC* 14 (1941) 2409-11, s.v. 'Sorcellerie, diffusion'.

55 Cf. Burchard, *Decretum*, lib. 19, c. 5 (PL 140.961, 971-72); see below, p. 454.

THE FORMALITIES OF MARRIAGE

It was pointed out above that the teaching on marriage that began to appear in English diocesan statutes with 1 Salisbury included the notion that the seriousness of the union between spouses as well as its sacramental character required that it be performed with dignity and in a religious setting. There were several other important reasons for this position. Though the examination of the role of consent was not extensively developed in these regulations, there were abundant signs that its importance was presumed and that the dignified setting of marriage was justified in part as a way of preserving a freedom of consent that could easily be lost in the riotous conditions of some unions. This same teaching also underlined the tragedy of the invalid marriage and saw in formal conditions a defence against the evil. Many marriages failed because impediments rendered them impossible. A *de facto* union came about because the ignorance, self-deceit or dishonesty of the couple and their families all too often resulted in the ignoring of the conditions that stood in the way of validity. But the memory of the wider community that became involved in the marriage under public conditions was less likely to fail.

Canonists and theologians of the eleventh and twelfth centuries had discussed these problems at great length. The reflection on the nature of marriage that found its way into the diocesan statutes was but a faint reflection of the earlier activity, yet it served as a motive for and an introduction to the regulations touching the formalities by which a couple became man and wife. The older position according to which, with important local differences, the Church in the West had been content to support the observance of the formalities of marriage found in local law and customs, intervening, where it intervened at all, by blessing the couple or by other religious acts, had come to be considered inadequate. In the attempt to prevent the *de facto* unions of those between whom there was an impediment, conciliar legislation and diocesan regulations had moved beyond the mere support of civil formalities. The Church became involved in them, 'canonized' them to use Korbinian Ritzer's phrase, and drew them into a religious and ritualist context in which the priest played a role.⁵⁶ The thrust in this direction emphasized the canonical formalities and on occasion saw them as necessary for the validity of marriage. In the thinking of those typified by Gratian, who saw marriage as a process completed by a series of acts, the traditional formalities and even a growing liturgical dimension given them easily found a place. On the other hand, the school of theological and legal thinking

⁵⁶ See Ritzer, *Formen*, pp. 253-84.

that was based on the Roman *consensus nuptialis* not only saw the marriage bond established by a single act in which the couple freely consented to enter into a marital relationship, but stood in the way of any position that would attach essential importance to legal formalities.⁵⁷ By the period that is of interest to the present study, the theory of marriage had come to a balance of tendencies that, precarious though it was, would last until the decree *Tametsi* of the Council of Trent: this position condemned the clandestine union, established procedures and formalities to make it difficult to bring about, provided penalties for those involved in any way with such a union, yet admitted that the clandestine marriage was valid if the couple were not prevented by some impediment that would have rendered any marriage impossible.

As would be expected, given the limited treatment of marriage in twelfth-century English councils, there was but little reflection of this wider discussion by the Western Church. Yet there were some indications of it and they were not without significance. It will be recalled that canon 25 of Anselm's Westminster council of 1102 moved beyond the mere prohibition of marriage within forbidden relationships, calling on members of the community to report any impediments and informing them that failure to act made them partners in the incest they had condoned. Here Anselm adopted that use of the local community's knowledge about the couple in the control of marriage that would appear again in Hubert Walter's Westminster council of 1200.⁵⁸ By this later date the procedure had been refined and the regulation required the triple announcement in church before marriage that became known as the banns. But the limitation of this method of control was already indicated by the admission that further regulation was needed for the stranger whose past was unknown to the local community: 'Nec contrahatur aliquod matrimonium ... si fuerint personae incognitae.'⁵⁹

Lanfranc's Winchester council of 1076 went very far in imposing a formality on marriage: the couple was to be blessed by the priest. Otherwise their union was invalid.⁶⁰ Almost a century later, in the Council of Westminister, c. 18, a similar regulation derived from a long Continental tradition appeared.⁶¹ This time, however, the rule was put in a different context. Clandestine marriage was forbidden; the acceptable alternative was 'public marriage in the Lord' with a priestly blessing. Even more important from the point of view of the present

57 See Gérard Fransen, 'La formation du lien matrimonial au moyen âge' in *Le lien matrimonial*, ed. René Metz and Jean Schlick (Strasbourg, 1970), pp. 108-26.

58 See above, pp. 410 and 412.

59 W 1.507; see above, n. 18.

60 See above, p. 410 and n. 10.

61 See above, p. 410 and n. 11.

discussion, however, was the change that appeared in the sanction clause that was added to the canon in England. The formality was enjoined but no longer required for validity, and the priest who cooperated in such a clandestine union was to be suspended for three years. By a similar regulation of the Council of Westminster (1200), c. 11, the marriage was to be public, before the Church and in the presence of the priest. Here there was not only a significant difference in the role of the priest — he was required to be present rather than to give the blessing — but the sanction was also carried to the couple who were to be suspended from entry of a church with reservation to the bishop: ‘... et si secus factum fuerit, non admittantur alicubi in ecclesia, nisi speciali auctoritate episcopi.’⁶²

There was only one reference to the fact that the process whereby a couple came to be united occurred in several stages. In the Council of Westminster (1102), c. 23, the engagement to marry was isolated and the necessity that it occur before witnesses was implied.⁶³

More detailed consideration of the formalities of marriage is to be found in the diocesan statutes of the thirteenth century. Here the problems and discussion of the previous period were more fully reflected. The compilers of the statutes undertook a difficult task. They had to reckon with a long and complex tradition on the formalities of marriage, a tradition that was still operative in the Church, still enshrined in some of the older texts that they tailored to their use. The theories of marriage expressed in the statutes were not always consistent nor well understood. Even the vocabulary at the disposition of the compilers — the terms *matrimonium* and *sponsalia* to mention but two — often had meanings that confuse the modern student and that may well have left even the most efficient archdeacon at a loss as to their sense.

About the middle of the thirteenth century, a clause of 2 London 43 set out the order to be followed in bringing about the proper canonical marriage: betrothal, the announcement of the intention to marry by the banns, the exchange of consent *de presenti* between the couple.⁶⁴ The sequence of acts set out in the statute will be adopted for the presentation that follows. This procedure will result in an ordered exposition that is to be found in no set of diocesan statutes nor in any English conciliar document, but it will have certain advantages: it will establish the chronology of the development by which the formalities of marriage came to be required, show something at least of the influences that were operative and

⁶² See above, pp. 411-12 and n. 18; the text is discussed below, pp. 449-50.

⁶³ Above, pp. 410-11.

⁶⁴ ‘... ante fidem datam de matrimonio contrahendo et ante hec tria edicta, nullus audeat aliquo modo per verba de presenti matrimonium celebrare’ (P-C 643).

isolate the aspects of the regulations that were weakest and required most refinement and care in their implementation.

BETROTHAL

In bringing about the union of husband and wife, the initial legal act was betrothal. It was in the regulation of this act that the first set of diocesan statutes remaining to us, those of Stephen Langton for Canterbury, moved beyond the remarkable treatment of marriage in Hubert Walter's Westminster council of 1200.⁶⁵ This was but a beginning, for twenty-three of the thirty-three sets of statutes between 1213 and 1289 would include canons setting out the formalities and other requirements of betrothal.⁶⁶ The order for the priest to instruct the people on the conditions required for betrothal and the consequences of the act was set out in 1 Canterbury 55. It would be repeated in eight sets of statutes up to the 1240's, then would disappear.⁶⁷ It was with the conditions in which the betrothal came about that the statutes were especially concerned.

Thus 1 Canterbury 55 ordered that the engagement be entered in public, before witnesses who could be counted on to give evidence should the fact of the betrothal be questioned. Specific reference to the publicity of the act was repeated only in three later sets of statutes.⁶⁸ A different point of view was revealed at Winchester, where the publicity of the tavern was rejected as destructive of the freedom of the principals,⁶⁹ and in the last important series of statutes, 2 Chichester 24, where 'fidei dationes domesticas' were permitted if proper witnesses were present.

The presence of witnesses at betrothal was an ancient practice in the different European traditions and was supported by custom and law. All the statutes of the group under discussion, except those of Coventry and 2 Salisbury, referred to them.⁷⁰ Occasionally their number was specified: three or four in 1 Salisbury and its close derivatives, four or five in 1 Winchester. What was more important were

65 1 Canterbury 53-55; on the Council of Westminster, see above, pp. 411-12.

66 1 Canterbury 55, 1 Salisbury 83, 1 Winchester 56, Synodal Statutes 41, 2 Canterbury 83, 2 Worcester 32, *Constitutiones cuiusdam episcopi* 59, 60, 1 Durham 83, Coventry 13, 3 Worcester 23, 28, 2 Salisbury 23, 2 Winchester 56, 2 Durham 46, Durham *Peculiars* 50, 1 Chichester 28, 1 York 25, Wells 11, Carlyle 11, 2 London 43, 2 York 11, 3 Winchester 27, 2 Exeter 7, 2 Chichester 24.

67 1 Salisbury 83, 1 Winchester 56, 2 Canterbury [83], *Constitutiones cuiusdam episcopi* 60, 1 Durham [83], Coventry 13, 3 Worcester 23, 2 Durham 46.

68 *Constitutiones cuiusdam episcopi* 60 and 1 Chichester 28, both close derivatives of 1 Canterbury 55, and Synodal Statutes 41.

69 2 Winchester 56 and 3 Winchester 27.

70 The reference in 2 Worcester 32 and 2 Winchester 56 is by implication.

the regulations touching the quality of the witnesses; mere presence was not enough: they were to be formally invited (*testes vocati*), suitable (*idonei*) or worthy of belief (*fidei digni*).

Though the Coventry statutes did not mention lay witnesses, the presence of a priest was required. This significant step, whereby the canonical reinforcement of the witnessed betrothal was carried further to include the presence of a representative of the Church, was taken in 1 Salisbury 83. All of the collections regulating betrothal for the next generation except the Synodal Statutes included this requirement.⁷¹ The later exceptions were 2 Winchester 56 and 3 Winchester 27 (which were, as was seen above, concerned with things to be avoided in the exchange of the promise to marry), 2 Salisbury, 1 Chichester and Wells and its derivatives Carlyle and 2 York. That the priest in question should be parish priest or rector of the church was specified in 2 London 43, a position that was restated a generation later in 2 Exeter 7.⁷²

A regulation that the principals of the betrothal should be fasting also contributed to the religious atmosphere which these statutes encouraged. It appeared in 1 Winchester 56 and was later included in 3 Worcester 23, Wells 11, Carlyle 11, 2 York 11 and 3 Winchester 27.⁷³

The statutes not only regulated the conditions required for the betrothal; all of the twenty-three sets under discussion gave some evidence on the act itself and its manner of performance. It was usually presented as a promise (*fidei datio*) related to a marriage the futurity of which was expressed in the words *per verba de futuro* or by the use of the gerundive.⁷⁴ A slightly different form, indicating an agreement between the couple, was used in 1 Winchester 56,⁷⁵ and 2 London 43 referred to betrothal as a contract related to the future entered into with or

71 Synodal Statutes 41: 'Item, prohibeant presbiteri frequenter in ecclesiis laicis sub pena excommunicationis ne dent sibi fidem mutuo de matrimonio contrahendo nisi in loco celebri et coram publicis et pluribus personis ad hoc vocatis' (P-C 146-47); this is closely related to Paris 41, two manuscripts of which read: '... ne dent sibi fidem mutuo de contrahendo matrimonio nisi coram presbytero et in loco celebri, scilicet ante januas ecclesie et coram pluribus' (Pontal 66, nn. aa, bb). The reading of *presbytero* as *publicis* is suggested.

72 2 London 43: '... statuimus ut nullum matrimonium, nulla sponsalia sine presentia sacerdotis parochialis vel rectoris ecclesie et aliorum trium adminus fidedignorum contrahuntur' (P-C 643); 2 Exeter 7 is virtually the same. In both cases *sponsalia* is understood to mean 'betrothal'.

73 The requirement was extended to those assisting at the betrothal in 3 Worcester 23; see the following note.

74 E.g. 3 Worcester 23: '... ne etiam sponsalia contrahant vel contrahentibus assistant fide data per verba de futuro, nisi ieiuna saliva...' (P-C 302); 1 Salisbury 83: '... alicui fides detur de matrimonio contrahendo...' (P-C 87).

75 '... ne viri et mulieres aliquod pactum firment inter se de matrimonio contrahendo...' (P-C 134).

without a 'fidei datio'.⁷⁶ In no case was a role for family or lord stipulated or even mentioned.⁷⁷ A form of words whereby the act was effected first appeared in 2 Salisbury 23: 'Accipiam vel habebo te in me'. Another formula in the same text promised marriage unless the reading of the banns resulted in the revelation of an impediment that prevented the union, thus indicating what was considered to be the main barrier that had to be cleared before the marriage could take place.⁷⁸

There may have been one further requirement. In the Paris statutes of Eudes de Sully it was stated that betrothal was not to occur until after the reading of the banns.⁷⁹ At first sight several of the English statutes seem to make a similar ruling. It is difficult to arrive at certainty in this regard, not only because the meaning of the terms *matrimonium* and *sponsalia* is sometimes unclear but, at a deeper level, because the understanding of the acts they were intended to connote was changing. The twelfth century had seen the differentiation of several acts in the process by which a couple came to be man and wife.⁸⁰ The terms used to designate these acts and the understanding of their legal effects varied according to different theories on the mode of establishing the marriage bond. In such a situation, it was to be expected that the term *matrimonium* might be used of any part or of the whole process whereby union was brought about. This was especially true of the context which saw betrothal as *matrimonium initiatum*. Where the engagement of the couple was so conceived, it was to be expected that the public scrutiny of an intended union made possible by the reading of banns would take place before the first step in bringing about the union was taken. This would explain the requirement of the Paris statute and would be in accord with the understanding of marriage expressed in the older layers of that collection.⁸¹ Thus, in England, in the reference to the banns in the Council of Westminster (1200) 'Nec contrahatur aliquod matrimonium sine trina denunciatione', where

76 'Ubi vero sponsalia contrahuntur per verba de futuro, sive per fidei dationem sive absque fidei datione...' (P-C 643).

77 In the penalties set out in 2 Winchester 56 (see below, n. 82), there is reference to laymen in authority who were punished for their role in an improper betrothal.

78 '... Ego te in meum, nisi notorium subsit impedimentum post primam denunciationem sub testimonio sacerdotis et aliorum fidedignorum contrahi sustinemus' (P-C 375-76). Cf. 2 Exeter 7: '... Accipiam, vel habebo, te in meum, et: Ego te in meum' (P-C 998). Note that in both cases the second formula 'Ego te in meum' is not specific in its reference to the future. In fact, in both the Salisbury and the Exeter statutes the same form of words would be used for the contract *per verba de presenti*; see below, p. 445. Though the compiler of 2 Salisbury included the formula 'Ego te ... sustinemus' among those used in betrothal, it might easily have led to confusion for it seems to express a conditional contract *de presenti*; see Sheehan, 'The Formation and Stability of Marriage', 238 ff.

79 c. 40 (Pontal 66-67).

80 *DTC* 9 (1926) 2137-59.

81 See below, p. 430 and n. 92.

no distinction of the stages of the marriage was made, the term *matrimonium* may well have been intended to apply to the whole process that brought about the union of the couple. If such were the case, the reading of the banns would anticipate betrothal. The clause was repeated in 1 Canterbury 54 but, as was seen above, the legislator introduced a separate treatment of betrothal in the following statute. Even here, however, it is not unreasonable to suggest that the 'fidem ... de matrimonio contrahendo' of 1 Canterbury 55 was intended to be part of the *matrimonium* to which banns were related in the previous statute. However, since the second part of 1 Canterbury 55 strongly suggests that the legislator held that consent *per verba de presenti* established the marriage bond, the stronger opinion is that the Canterbury statutes did not require the reading of banns before the betrothal of the couple.⁸² The matter was clarified in 1 Salisbury 84 where it was stated that marriage was contracted by the exchange of consent to which the banns were related.

A similar, though less difficult, problem occurs in the statutes' use of the term *sponsalia*. In many cases it clearly refers to betrothal. Occasionally the statutes require that the reading of the banns occur before *sponsalia*.⁸³ Though at first glance these seem to be references to the engagement of the couple, a more careful reading demands the translation 'wedding', a meaning that fits the more common understanding of the order of the acts bringing about a marriage, namely, betrothal, reading of the banns and expression of consent *per verba de presenti*.

A more difficult problem is posed by 2 Worcester 32: 'Prohibemus sub pena suspensionis ne sacerdotes intersint fidei dationi etiam per verba de presenti facte in contractu matrimoniali sine denuntiatione premissa. Item, ut nec sacerdos nec etiam laicus intersint fidei dationi facte per verba de futuro in contractu matrimoniali; quod si intersint, tam fide obligati quam illi qui interfuerunt fidei dationi gravi pena tam spirituali quam pecuniaria puniantur.'⁸⁴ Unless the word 'Item' at the beginning of the second sentence is taken to mean that the requirement of

⁸² See below, pp. 440-41.

⁸³ 1 Winchester 55: 'Denuntietur publice in ecclesiis quod nunquam sponsalia *fiant* nisi presente sacerdote et congregatis parochianis suis, et per tres dies solempnes trina fiat denuntiatio'; 2 Winchester 51: 'Omnibus insuper personis, vicariis, et capellanis curas parochiarum habentibus firmiter inhiibemus ne alicui contractui matrimoniali vel sponsalium intersint vel auctoritatem prestant priusquam consuete et sollempnes denuntiationes in ecclesiis et parochiis contrahere volentium facte...'; Ely 33: 'Inhibeant ... ut sine presbiterorum presentia et bannorum solempnitate matrimonia sive sponsalia contrahere ... presumant'; Wells 10: '... inhiibemus ne, nisi trina denuntiatione premissa ... matrimonia contrahantur. Sacerdotes autem qui omitta denuntiatione huiusmodi contractui matrimoniali vel sponsaliorum intererint...' (P-C 134, 410, 521-22, 597).

⁸⁴ P-C 175-76.

the reading of the banns, found in the first part of the statute, applies to the second part, the clause 'ut nec ... matrimoniali' imposes the impossibility of witnessing a betrothal. For the moment it seems best to conclude that, in the case of Worcester as at Paris, it was required that the announcement of the intention to marry should occur even before the betrothal. According to the statute, if this rule were not obeyed, all involved in the act including the priest were to be subject to grave spiritual and financial penalties.⁸⁵

Although no sanction was included among the regulations touching betrothal in 1 Canterbury, it appeared within six years in 1 Salisbury 83. One manuscript of this collection included a cancelled sentence in which it was stated that unless the required formalities were observed, the betrothal would be without effect.⁸⁶ The notion would appear again in the *Constitutiones cuiusdam episcopi* 59.⁸⁷ The Salisbury statutes maintained that those who did not obey the regulations touching the publicity of marriage — the requirements for betrothal seem to be included therein — would be denounced to the bishop and by him to the Apostolic See. This extraordinary sanction would reappear only in 2 Canterbury and 1 Durham. Excommunication of the couple and a fifty-day suspension of the priest who failed to make the regulations known were imposed by 1 Winchester 56. According to Coventry 13, the couple was to be sent to the bishop for punishment. Beginning with 3 Worcester 56, it became the general practice that the principals and all others involved in a betrothal that failed to obey the requirements of the statute were punished.⁸⁸ The prescription of 2 Winchester 56 against betrothal in taverns ordered that the couple be whipped three times and that laymen who exercised authority or consented to such betrothals were to be seriously punished.⁸⁹ Public penalties were imposed by 2 Chichester 24 on all laymen involved because of the scandal they had given.

One further contribution to the understanding and regulation of betrothal was made by 1 Canterbury 55. In a text illustrating the balance between the canonical

⁸⁵ At this point 3 Worcester 23, a more carefully drafted statute than its predecessor, added 'nisi ieiuna saliva'. If the phrase had been added after 'Item ... matrimoniali', this torturous reading of the statute would be unnecessary; cf. P-C 176 n. 1.

⁸⁶ Worcester, Cath. Libr. MS. Q. 67, fol. 143v: 'Quod si secus actum fuerit, et fides pro nulla habeatur et carnalis copula etiam si sit subsequuta' (P-C 87 and n. e).

⁸⁷ 'Nec fides de aliqua desponsanda detur nisi presente sacerdote. Quod si aliter factum fuerit, decernimus contractum non tenere et persone legitime punientur' (P-C 190). This sentence was added at the end of a statute derived from 1 Canterbury 54. It supplemented the regulation in c. 60 that followed which, being a duplicate of 1 Canterbury 55, made no reference to the presence of a priest.

⁸⁸ Thus 2 Durham 46, 1 York 25, 2 Exeter 7, 2 Chichester 24.

⁸⁹ 'Si quis contravenerit, sive vir fuerit vel mulier, trine fustigationis pene tribus locis publicis subiacebunt. Laici quidem qui talibus contractis consenserint vel auctoritatem prestiterint graviter puniantur' (P-C 411-12).

desire for legal formality and the power of the position that maintained that the essential element in marriage was the free consent of the couple, the priest was ordered to warn his people that, if carnal union followed betrothal, the Church would hold the union to be marriage and require that it be observed as such: 'quia si talem fidem carnalis copula subsequatur, ecclesia pro matrimonio hoc habebit, et faciet tanquam matrimonium observari'.⁹⁰

Before turning to the subsequent history of this doctrine, two points should be noted about the Canterbury text. First, the meaning of the words *talem fidem*. If interpreted strictly, they mean that the ruling of 1 Canterbury 55 applied only where the formalities of betrothal as set out in the statute had been implemented. It will be recalled that in one manuscript of 1 Salisbury and in *Constitutiones cuiusdam episcopi* the observation of formalities was required for validity.⁹¹ Furthermore, the Salisbury text directly related the legal effect of sexual union to the validity of the previous betrothal. Other statutes did not legislate on the matter. In spite of some evidence to the contrary, it seems likely that the strict reading of *talem fidem* was not long applied, if applied at all. In this regard it is important to remember that the requirement was deleted from the only Salisbury manuscript in which it occurred. In more general terms, it was characteristic of canon law to keep formalities to a minimum; even when it imposed them under strict moral obligation, it did not often require them for the validity of an act. The history of the formalities of marriage in the Middle Ages provides ample demonstration of this fact. It seems best to conclude that, with the possible exception of local practice for a few years after the publication of 1 Salisbury, it was understood that, if there were agreement that a promise to marry had been made and sexual union had followed, then the couple were to be considered man and wife. The second observation touches the theory on the mode of establishing the marital bond implied by the phrase 'ecclesia pro matrimonio hoc habebit'. It will be noted that the text does not say that sexual union confirmed the marriage, much less that it caused it. Rather it is stated that the Church presumed the couple to be man and wife, an implementation of the theory of *matrimonium presumptum* enunciated by Huguccio and applied in the exercise of jurisdiction by Innocent III.⁹²

90 P-C 35.

91 See above, p. 429 and nn. 86, 87.

92 Jean Dauvillier, *Le mariage dans le droit classique de l'Eglise* (Paris, 1933), pp. 55-75. The author cited a text long associated with the Paris statutes of Bishop Eudes de Sully as an example of the older understanding of the legal effect of carnal union following betrothal: 'sequens carnalis copula cum illa cui fidem dedit matrimonium confirmavit' (p. 58). As examples of the theory of *matrimonium presumptum* he cited two texts. The first, 'the synodal statutes of an unknown bishop', he dated c. 1237, adopting the position of Mansi (23.471). The second was a set of canons from an unidentified council that had been preserved in a Corbie manuscript and sub-

The implied statement of *matrimonium presumptum* in the Salisbury manuscript aside, the regulation of 1 Canterbury 55 would appear only in its close derivative *Constitutiones cuiusdam episcopi* 60 and, about a generation later, in 1 Chichester 28.⁹³ However the practice might be interpreted by those who like Huguccio were exercised to maintain that consent *de presenti* created the marriage bond, it was a usage against which the Church had set its face. The main purpose of the statutes was not to teach that such a union established a valid marriage but to forbid it. Thus in most of the manuscripts of 1 Salisbury and in its close derivatives, 1 Durham, 2 Canterbury and Durham Peculiars 50, sexual union after betrothal was forbidden until the scrutiny afforded by the banns had been completed.⁹⁴ In 3 Worcester 28 carnal union was forbidden the couple under pain of excommunication until after their marriage had been solemnized. The same sanction was invoked in 2 London 43, but it was specified that both the banns and the solemnization of marriage were to be completed before the marriage was consummated, a position adopted by 2 Exeter 7 with the important addition that punishment was to be imposed even if there were no impediment preventing the marriage of the couple. Earlier, 3 Worcester 28 had, in addition to the threat of excommunication mentioned above, imposed very severe penalties on those who, having disobeyed the statute, were brought before the ecclesiastical court.⁹⁵

During the forty years after the first mention of betrothal in 1 Canterbury 55 the English synodal statutes came to express a fairly complete set of instructions and regulations on its purpose, on the role of witnesses and the clergy, on the nature of the act and the form of words by which it was effected and on its sanctions. During the latter part of the century these regulations would be repeated and refined. After that, inasmuch as our present knowledge of the conciliar legislation and diocesan statutes of the later Middle Ages permits an opinion, little more attention was to be paid to betrothal.⁹⁶ It was to be the stage after the promise to marry that would be their special concern.

sequently lost (Mansi 22.730). The studies of Professor C. R. Cheney have shown that both texts are English, being, in fact, *Constitutiones cuiusdam episcopi* 60 and 1 Canterbury 55 respectively; cf. P-C 23-24, 181-82 and the references cited there. On the Paris statute, see Pontal 88, n. to c. 96.

93 '... quod si talem fidem carnalis copula fuerit subsecuta, ecclesia reputabit ibi matrimonium' (P-C 457).

94 '... ita quod nullatenus per verba de presenti contrahant nec post matrimonium per verba de futuro contractum carnaliter commisceantur nisi rite canonicis denuntiationibus premissis...' (P-C 87 n. e).

95 '... quater in anno veniat ad ecclesiam cathedralem, tam coram atrio ecclesie quam in vicis precipuis civitatis disciplinam publicam recepturus. In aliis diebus feriandis totidem in parochia sua propria consimilem subeat disciplinam' (P-C 302).

96 For an example of a repetition of the older regulations see *Registrum Thome Bourghier Cantuariensis archiepiscopi A.D. 1454-1486*, ed. F. R. H. du Boulay (Canterbury and York Society 54;

THE BANNS

The betrothed were not allowed to marry until their intention to do so had been published and there had been opportunity for a wider public than those present at their engagement to object to the proposed union. As has been seen, this practice was imposed on the Province of Canterbury by the Council of Westminster (1200).⁹⁷ The announcement was to be public, repeated three times in church. The canon added a further regulation: if the principals were not known there was to be no marriage. The addition removes any doubt there might be as to the purpose of the procedure: it was intended that the parishioners' knowledge of the couple and of any impediment that might prevent their union be drawn into play in a public, formal way. Since the next clause of the canon required that the marriage itself be public and before the Church, it is clear that mere publicity was not enough: the earlier announcement was intended to provide time for investigation of the couple's freedom to marry.

With minor changes the Westminster canon would be adopted in 1 Canterbury, the first set of diocesan statutes that remain to us. During the next seventy-five years, the regulation controlling the announcement of intention to marry was taken up and developed by all but eight of the thirty-three sets of statutes that survive.⁹⁸ Of these eight, only two — 1 Worcester (1219) and 3 Chichester (1289) — ignored the matter completely. Of the others, Lincoln 42, Norwich 39 and 2 Durham 46 included brief prohibitions of clandestine marriage, and Coventry 11, 1 York 24 and 2 Chichester 23 developed rules dealing with the stranger who sought to marry.

English regulation of the announcement of the intent to marry was much influenced by the constitution of the Fourth Lateran Council that appeared shortly after the publication of 1 Canterbury. This constitution (4 Lateran 51) was especially concerned to prevent marriages impeded by relationship.⁹⁹ For this reason it did two things: first, it sought to ensure publicity by reinforcing secular prohibitions of clandestine marriage, forbidding the priest to be present at such a union; second, the possibility of discovering impediments was enhanced in widening the circle of those who would be informed of the couple's intention to marry by the priests' publication of the fact in churches. In addition to this

Oxford, 1957), p. 23, a monition to parish clergy and to preachers at St. Paul's Cross to publish, among other matters, that both marriage and betrothal should be before two or more witnesses '*per quos matrimonium hujusmodi probari possit si per aliquam parciem contingat id deponere denegari.*'

⁹⁷ See above, p. 412 and n. 18.

⁹⁸ The York mandate of 1238 also dealt with this matter, imposing penalties on those involved in a marriage without prior announcement of the couple's intention (P-C 259-60).

⁹⁹ Alberigo 258.

broadening of the conception of clandestinity, 4 Lateran 51 provided a technical advance in its regulations on the sequel to the announcement made in the banns. A period was established during which those who were aware of impediments were to make them known. In the interval, the priest was to carry on his own investigation. On the basis of the information acquired, he was to make a preliminary judgment; if it seemed probable that there was an impediment, he was to forbid the marriage until the question was resolved. Then followed a statement of the consequences for all involved in a clandestine or forbidden wedding, the children of the union, the priest and the couple. Finally, those who impeded a legitimate union by their allegation of an impediment were to be punished. There was no question of the validity of the marriage on the basis of failure to observe regulations set out; it was rather a matter of punishing those who disobeyed them.

Within four years the Lateran regulations were to be combined with the older rule on announcing the promise of marriage from 1 Canterbury 54 in the Salisbury statutes. First, it was stated in statute 84 that before the exchange of consent there was to be a triple, public announcement in church of the intention to marry. The regulation went beyond 1 Canterbury 54 in ordering that the announcement be solemnly made and by forbidding the exaction of a fee. Special care was taken to explain what was to be done with the strangers whose marriage had been flatly forbidden in the Canterbury statute: if both principals were unknown, the priest was not to lend his authority to their union unless he had established their freedom to marry. A detailed procedure was prescribed for the more common situation where only one spouse was a stranger: the priest was to have testimonial letters indicating capacity for marriage and that the triple announcement in its regard had been made. Finally, 1 Salisbury 91 returned to the announcement of the proposed marriage and, quoting sections of 4 Lateran 51 verbatim, set out the procedure to be followed after the reading of banns. Children were to be considered illegitimate where their parents proceeded to marry without banns even though they were ignorant of the impediment that rendered their union invalid. On the other hand, those who maliciously impeded a legitimate marriage by their objections were to be punished.

Thus by 1219 the fundamental set of English diocesan statutes had achieved an important synthesis of the Lateran regulations on the banns with the more developed rules of the local tradition; the latter stipulated the mode of announcement and developed a method for supplementing the procedure where the mobility of population had created a situation in which local information on the betrothed was inadequate to the task at hand.

In the years that followed some of the regulations set out in 1 Salisbury saw further development. This was especially true of the elaboration of the procedure

of the banns. The original ruling that there should be a public *trina denunciatio* was repeated with minor variations many times until the middle of the century.¹⁰⁰ Already in 1223, however, 1 Winchester 55 specified that the three announcements should be made on three solemn days¹⁰¹ and, about the same time, adopting a text from Paris 40, it was required by Synodal Statutes 40 that the announcement be made on three Sundays and feast days separated by an adequate interval.¹⁰² Some fifteen years later 2 Salisbury 23 ruled that the interval between announcements be fifteen days and, about 1258, Wells 10 allowed a lapse of time of as little as a week, a ruling that was commonly adopted in the statutes that followed.¹⁰³

The same years saw a more precise definition of the person who was responsible for the banns and the place where they were to be read. It is not unreasonable to presume that the 'presbyteros' of 4 Lateran 51 and 1 Salisbury 91, who announced the couple's intention and investigated their freedom to marry, were the pastors of the parish churches in question. A similar understanding undoubtedly is implied in the procedure set down in later statutes, but it was only in the last major treatment of the subject, that of 2 Exeter 7, that the requirement was specified.¹⁰⁴ Again, though the use of the plural term 'presbyteros' implied more than one church, the possibility that the reading of the banns for a single marriage take place in several churches became explicit only in 1241, interestingly enough in statutes intended for a city — London Archdeaconry 14 — where it was specified that if the principals lived in two parishes the announcement should be read in each of them.¹⁰⁵ The churches and parishes of those

100 *Constitutiones cuiusdam episcopi* 58, London Archdeaconry 14; the 'sollempniter' of 1 Salisbury 54 is found in its close derivatives and in 1 Exeter 24, 3 Worcester 22 and 3 Salisbury 14; 2 Winchester 51: 'consue et sollempnes denuntiationes'. In Ely 32 the term 'banns' first appears in the statutes: 'ne decetero sine bannorum editione' (P-C 522).

101 '... et per tres dies sollempnes trina fiat denuntiatio' (P-C 134); cf. the prescription of banns in the decree *Tametsi* of the Council of Trent, Session 24 (11 November 1563), *Canones super reformatione circa matrimonium*, c. 1: '... idcirco sacri Lateranensis concilii, sub Innocentio III celebrati, vestigiis inhaerendo praecipit, ut in posterum, antequam matrimonium contrahatur, ter a proprio contrahentium parochia tribus continuis diebus festivis in ecclesia inter missarum solemniam publice denunciatur, inter quos matrimonium sit contrahendum...' (Alberigo 755-56).

102 'Item, in matrimonio contrahendo semper in tribus dominicis et festivis diebus a se distantibus quasi tribus edictis perquirat sacerdos...' (P-C 146); also in 1 London 1 and 2 London 43; 1 Chichester 27: '... tribus diebus festivis a se distantibus' (P-C 457). Cf. Pontal 66-67. The text of Synodal Statutes 40, ascribed to Archbishop Walter Reynolds, was included in Lyndwood's *Provinciale* 4.1, pp. 270-71.

103 '... cum debitis adminus octo dierum interstitiis...' (P-C 597); also Carlyle 10, 2 York 10 and 2 Chichester 7; 3 Winchester 26: 'debitis observatis interstitiis' (P-C 707).

104 '... trina denunciatio ... per presbyteros parochiales...' (P-C 997).

105 '... denuntiationem factam in una parochia vel in duabus parochiis si sint de diversis parochiis' (P-C 336); cf. 3 Winchester 26: 'in parochiis ubi habitant copulandi' (P-C 707).

wishing to be married were mentioned in 2 Winchester 51, a phrase that would become 'the churches in the parishes' in Wells 10, its derivatives and 2 Exeter 7.¹⁰⁶

Though the statutes just mentioned recognized the fact that both spouses did not always come from the same parish, the stranger posed a special problem for, as it was expressed in 3 Worcester 24, the banns were not effective in his regard: 'Nec extranea persona, de qua per denunciationem constare non potest an legitima sit ad contrahendum matrimonium. ...'¹⁰⁷ We have already seen that, though it followed 4 Lateran 51 in its understanding that banns might be read in several churches by several priests, 1 Salisbury 84 ordered a different procedure where one or both principals were completely unknown (*omnino incongnita*). This regulation would be repeated in the close derivatives, namely, 2 Canterbury, 1 Durham, and Durham Peculiar 51 and, with some simplification, in 2 London 47.¹⁰⁸ The statutes of the years that followed defined the source of evidence vindicating the stranger's freedom to marry. Thus in Coventry 11, where it was question of a previous union, the information was to be acquired from the priest of the village where the stranger lived, apparently by direct contact, or by letter from a prelate of his place of birth or dwelling.¹⁰⁹ In 3 Worcester 24 a letter from the prelate in whose jurisdiction the stranger had lived was to inform the bishop, archdeacon or their official of his freedom to marry. Similarly, 1 York 24 ruled that a careful examination was to be made and the results communicated by letter from the strangers' prelates, while 2 London 47 added that the prelates involved

106 '... in ecclesiis in quarum parochiis habitant...' (P-C 597).

107 P-C 302. The term *extraneus* underlined the fact that the person in question had come into the parish from elsewhere. It appeared first in Coventry 11 and would be used in 2 Durham 48 as well as in this Worcester text. A similar notion was expressed in the *alienum parochianum* of 1 York 24 and 2 Chichester 23. In manorial court rolls, *extraneus* referred to a person from another manor who, though he may have been well enough known, having resided in the village for some time, was not a member of a tithing, and not a fully recognized member of the community; see J. A. Raftis, *Tenure and Mobility: Studies in the Social History of the Mediaeval English Village* (Studies and Texts 8; Toronto, 1964), pp. 130-38. The more common expression emphasized the fact that the stranger was unknown: *persona incognita*, *persona ignota*. It was used in the first statute dealing with the problem (1 Canterbury 54) and is to be found throughout the thirteenth century and later. It emphasized the fact that a person's *past* was unknown. This rather than the place of origin was the essential problem with which the statutes sought to cope. The two traditions were brought together in 2 Exeter 7: '... prohibemus ne aliqua extranea et ignota persona ad contrahendum matrimonium ... admittatur...' (P-C 998). See below, n. 125.

108 The simple prohibition of marriages of unknown persons in 1 Canterbury 54 was repeated in *Constitutiones cuiusdam episcopi* 58.

109 'Item, precipimus ne aliquis extraneus admittatur in aliqua parochia ad contrahendum matrimonium, nisi prius facto scrutinio si alias uxoratus est' (P-C 212). That the exposure of an earlier contract was one of the main purposes of the banns is evident from the cases reported in the fourteenth-century Ely register: see Sheehan, 'The Formation and Stability of Marriage', 235, 248-50, 261-63; cf. Helmholz, *Marriage Litigation*, pp. 57-66.

should know them.¹¹⁰ The regulation received its final form in Wells 12 where the prelate was finally identified: banns were to be read in parishes where the stranger had lived and the decision as to his eligibility that resulted from this examination was to be communicated by the bishop or his official, or by the archdeacon under whose jurisdiction the intended spouse had lived. The same regulation would be published in Carlyle 12, 2 York 12 and, with minor adjustments, in 2 Exeter 7.

As was seen above, the regulations of 4 Lateran 51 directing the action of the priest after the reading of the banns were adopted in 1 Salisbury 91. They reappeared in 2 Canterbury and 1 Durham but did not find a place in the third of the close derivatives, Durham Peculiars. By and large these regulations were not repeated in the statutes of the generation that followed 1 Salisbury. After the middle of the century the subject was taken up again, usually with some refinement of the earlier regulations. Thus, minor but significant adjustments were made in 1 London 1. By the time of its issue, the triple announcement spread over three Sundays and feasts provided the 'competenti termino' of the Lateran decree for the posing of objections. With this London statute the priest was to assign a term for the objector to prove his allegation before a superior. He was also instructed to inform his superior immediately of any impediment that he had found. The marriage was to be expressly forbidden until that superior had decided what was to be done. Thus the earlier regulations were refined by indicating the procedure for dealing with an objection and, at least in general terms, the judge who was to bring in a verdict.¹¹¹ Even before the London statutes had been issued, more developed regulations on procedure had been made in 2 Salisbury 23. Here it was recognized that banns might be announced in churches other than that at which the marriage was to take place, for priests were ordered to communicate information gained from their inquiry to those to whom the celebration of the marriage pertained. If an impediment were alleged about which there was no public rumour, 'lest those wishing to marry be impeded in this way', the objector was immediately required to swear that he was not malicious in his action.¹¹² He was then given a term in which to appear before the

¹¹⁰ '... priusquam habeat litteras testimoniales a prelatiis suis qui earum notitiam habent...' (P-C 644).

¹¹¹ Further precision was provided by 2 London 46: 'Nullus sacerdos audeat perficere matrimonium in casu dubio inconsulto episcopo vel eius prelato, set ad eos semper referat omnes matrimonii dubietates' (P-C 643-44).

¹¹² Note the delicate reference to the infringement of the rights of the betrothed in the Legatine Council of London (1268), c. 13: 'Coniugale fedus ab ipso domino institutum, sicut potestati humane non subiacet, ita nullius temerario patere debet occursui, quominus in conspectu hominum solemnitatem accipiat per quam, prout expedit, omnibus innotescat' (P-C 764).

bishop's official to prove his position; in the meantime the projected marriage was suspended. If the objector refused to proceed and if there were no public rumour supporting his position, the marriage was to be allowed so far as the objection in question was concerned. This regulation would appear with minor adjustments in 2 Exeter 7 which added the regulation of 1 Salisbury 91 ordering punishment of the person who impeded a lawful marriage.¹¹³

It will be remembered that, in the London Council of 1102 prohibiting marriage within the forbidden degree, one of the usages that lay behind the system of banns was revealed: it was made clear that any one aware of an impediment to the proposed marriage and who failed to speak would be guilty of the same sin as the principals of the union. A similar point of view, concerned with the omissions of the people of a region who knew a couple, rather than with the uncanonical acts of those involved in a marriage without banns, appeared in Synodal Statutes 40. Drawing on Paris 40, this statute ordered the priest to inquire of the people under pain of excommunication as to the freedom of the couple. This regulation, heavily underlining the responsibility of the parish community to respond to the banns, was to be repeated only towards the middle of the century in 1 London 1 and 2 London 43.¹¹⁴

The more common penalties were intended to ensure the reading of the banns. They would be along the lines set out in 4 Lateran 51 and restated, though with some confusion, in 1 Salisbury 85, 91. Beginning with 1 Winchester 55 most statutes applied the three-year suspension to those priests involved in a marriage without banns or who had failed to prevent it. A harsher attitude appeared in 2 Salisbury 25 which repeated the penalty, adding that a more severe penalty could be imposed if it were warranted by the priest's fault. This regulation would be reissued in 1 London 2 and 2 Exeter 7. The statutes of the London Archdeaconry 14 had already instructed the archdeacon to punish the delinquent priest if convicted and 2 London 43 warned the same officer and his official, under pain of suspension, not to relax, omit or commute the penalty under pretext of some pecuniary advantage. This regulation would appear in Wells 10 and in its derivatives Carlyle and York.

The Lateran decree and 1 Salisbury 85 ruled that the principals of the clandestine marriage should be suitably punished.¹¹⁵ This regulation was repeated in 2

113 That the action was malicious was explicit in the Salisbury statute. This understanding of the regulation can be presumed at Exeter as well.

114 A slightly different form of the regulation appeared in 1 Salisbury 86: under pain of excommunication, the use of magic in marriage and the hiding of impediments were forbidden (see above, n. 35); also 2 Canterbury, 1 Durham and Durham Peculiars 51.

115 It is explicit in both texts that the term 'clandestine marriage' included any union that had not been preceded by the banns.

Canterbury and 1 Durham, but later statutes would seek to define the penalty and, by the middle of the century, it would have been extended to those who assisted at the marriage. Thus the York mandate of 1238 ordered suspension and whipping of all those laity involved, a penalty that was to be made more severe as the situation required and of which parishioners were to be reminded each Sunday. Similarly, Ely 33 ordered public flogging of the principals and of those who by consent or authority were responsible for the union. Another direction was taken in 2 Salisbury 25: the laity involved were to be excommunicated and denounced as such. A similar though somewhat refined position was taken later in 4 Salisbury 24: the principals and those 'knowingly' involved were excommunicated; the statute was to be solemnly read in each parish church four times annually. The consequences of the Salisbury excommunication were made explicit in 1 London 2: the principals were to be denied entrance to church for a year; should they die during that period, their bodies were not to enjoy ecclesiastical burial without the special licence of the bishop, his official or the archdeacon.¹¹⁶ If any layman or cleric, 'officium sacerdotis usurpans', presided at such a marriage, the layman was to be under interdict for three years and the cleric suspended from office and benefice for a similar period. Other laymen and clerics, witnesses to the act, were to be under interdict and suspension respectively until they had merited pardon from the bishop or his official.¹¹⁷ Even more severe were the regulations of Wells 11 and its derivatives Carlyle 11 and 2 York 11: the principals and the witnesses of the marriage were to be flogged three times at the church door before the procession and, on three Fridays, they were to fast on bread and water and be scourged in private by the priest.

Finally, there was the penalty that touched the child born of an impeded marriage made without banns. It was the rule of 4 Lateran 51 and 1 Salisbury 91 that, even though the parents were ignorant of the impediment that rendered their union invalid, the child was illegitimate. The regulation was repeated in 2 Salisbury 25 and 2 Exeter 7 as well as in the Salisbury derivatives 2 Canterbury and 1 Durham.

It was seen in the examination of the statutes concerning betrothal that the main work of definition and regulation was accomplished in the generation after 1 Salisbury. The case was entirely different with the banns. Perhaps the increasing severity of penalties analysed above provides sufficient evidence of the problem that remained. Regulations on procedure and the penalties for failure to observe it continued to be issued through the eighty years that saw the flowering

¹¹⁶ There was no provision for leniency in 2 London 43.

¹¹⁷ These regulations were to be read on Sunday and major feasts and were to be written in the missal or some other book.

of the diocesan statutes, and the preoccupation with the banns continued in the provincial councils of the centuries that followed. Thus a canon of the Council of London, held under Archbishop Simon Mepham in 1329, reaffirmed 4 Lateran 51 and ordered that it be explained to the people in the vernacular on several solemn days when a large crowd could be expected to be present. The penalty of three-years suspension of the priest was repeated with the reminder that it was still to be imposed even if, in fact, there were no impediment to the marriage.¹¹⁸ The canon was to be assured a wide impact, for it was included by Lyndwood in his *Provinciale*.¹¹⁹ Lyndwood also included the canon *Humana concupiscentia* from Archbishop John Stratford's provincial council of 1342.¹²⁰ This text, at once a tribute to the successful control of marriage, afforded by the reading of the banns under proper conditions, and of the various strategies employed to avoid it, was especially concerned with the conditions and formalities of the exchange of consent *de presenti* and will be examined below. In the present context it is important to note that it reaffirmed the regulations touching the reading of the banns before marriage. All involved in irregular solemnizations were excommunicated *ipso facto*, a penalty that was to be announced in the four annual readings of the list of excommunications. Delinquents were also subject to the other penalties of the law. A similar point of view appeared less than a decade later in the constitutions issued by Archbishop John Thoresby at the Convocation of the Province of York (1361).¹²¹ He excommunicated all involved in marriages not preceded by a reading of the banns and, reaffirming the regulations of 4 Lateran 51, added some refinements to the process of dealing with objections made to a proposed union.¹²² Finally, he reserved absolution of delinquents, except at the hour of death, to himself and to higher authority. Any judgments in causes of marriage or divorce that had been made contrary to this constitution were nullified. This regulation would appear again in canon 11 of the constitutions issued by Archbishop Wolsey for the Province of York in 1518. Here further precision was added touching the punishment of those solemnizing marriage without banns, those doing so before an objection to their union had been resolved and priests who had taken part. All were excommunicated.¹²³

118 W 2.554.

119 4.3.1, pp. 266 (*sic*; = 273)-74.

120 W 2.707. Derived from the text *Sponsam Christi*, published in May 1343; see Cheney, 'William Lyndwood's *Provinciale*', *The Jurist* 21 (1961) 419. Cf. Lyndwood, 4.3.2, pp. 274-77.

121 W 3.71-72; see *The Records of the Northern Convocation* (Publications of the Surtees Society 113; [Durham,] 1906), pp. XLVII, 95.

122 Both judgment of the objection and dispensation of banns were mentioned: '... donec quid fieri debeat super eo, per iudicem in hac parte competentem legitime fuerit declaratum, vel alias de superioris ordinarii licentia, cum contrahere volentibus, quoad temporum interstitia, et bannorum editionem fuerit dispensatum' (W 3.72).

123 W 3.668; see *The Records of the Northern Convocation*, p. 207.

A somewhat different point of view appeared among the petitions of the clergy at the Convocation of the Province of Canterbury in 1460.¹²⁴ It revealed that a procedure of dispensation from banns existed and indicated that it had led to abuse. The clergy complained that clandestine marriage had become a scandal to the Church and that the situation had been created by an excessive frequency of dispensation from banns. They asked that in future the archbishop and his suffragans not be able to dispense (*non valeant*) unless the banns had been read twice at proper intervals in the parish churches of the couple and a suitable examination had been made. Inferior judges were not to give such dispensations. The petition concluded with recommendations for dealing with strangers: even though they were well established in a parish, there should be careful inquiry about them and a reading of banns in parish churches where they had lived for major periods of their lives and where they were better known.¹²⁵

THE EXCHANGE OF CONSENT *DE PRESENTI*

The mutual exchange of consent by the couple established the marriage bond. From what has been seen, it will be clear that this third and essential element in the series of acts leading to marriage was to be delayed until the scrutiny by the local community had been completed. It will also be clear that, in practice, the solemnization of the exchange of consent was sometimes used to defeat that social control. It should not be surprising then to find that the rules governing the contract *de presenti* were designed to make it more and more difficult to avoid the public announcement of the intention to marry.

The regulation of the marriage contract in 1 Canterbury 54 was derived from the Provincial Council of Westminster (1200), c. 11.¹²⁶ Three prohibitions were set out first: marriage was not to be contracted between unknown persons, nor

¹²⁴ *Registrum Thome Bourghier*, p. 92 (W 3.579).

¹²⁵ '... proviso semper quod si vagabundi veniant ad parochiam aliquam omnino inibi comorandi ut parochiani, et sic faciant se parochianos inibi, eo non obstante, hujusmodi banna edantur publice in ecclesiis parochialibus, in quibus pro majore parte prius moram habuerunt hujusmodi vagabundi sive noviter supervenientes, et ubi melius sunt agniti et noti...' (ibid.). Note that recent newcomers to the parish (*noviter supervenientes*) were included in the regulation. The term *vagabundus* was commonly used of a person without a domicile. Here it is allowed that, by the time of the proposed marriage, the *vagabundi* were established in the parish; whatever their past, their current position was considered to be stable. Yet it was precisely the past that was the clergy's concern and it was to learn of it that enquiries were to be made 'ubi melius sunt agniti et noti'.

¹²⁶ 'Nec contrahatur matrimonium inter personas incognitas, nec sine trina denuntiatione in ecclesia publicata; nec clandestina contrahantur matrimonia sed publice in facie ecclesie et presente sacerdote. Si vero secus factum fuerit, non admittatur in ecclesia nisi de speciali auctoritate domini archiepiscopi. Sacerdos autem qui contra statuti huius nostri formam aliquos matrimonio copulaverit, ab omni officio suspendatur nec relaxetur nisi de speciali mandato nostro' (P-C 34).

without banns, nor was it to be clandestine. (The third forbidden quality, clandestinity, was not mentioned in the Westminster canon.) Then the Canterbury statute continued and, following its model, set out the positive requirements of the exchange of consent: it was to be public, before the local Church and in the presence of the priest. Solemnized with these three elements of publicity, the marriage was not clandestine. In the sanction clauses, to be discussed below, it was implied that the presence of the priest, one of the elements opposed to clandestinity, sometimes occurred at marriages that were illegal.¹²⁷

It was seen in an earlier discussion that 4 Lateran 51 not only forbade the priest to take part in clandestine marriages but extended the concept of clandestinity to include failure to announce the intention to marry by the banns.¹²⁸ The punishment of both priest and the principals of the marriage that was announced applied whether they failed to honour regulations on the banns or those touching the contract *de presenti*. As was the case in its regulation of betrothal, 1 Salisbury sought to integrate the rules of the Lateran constitution with the older, local tradition expressed in 1 Canterbury 54; a certain muddying of the waters resulted. Treating of clandestine marriage, 1 Salisbury 85 made no mention of banns but, following its Canterbury model in forbidding such unions, ordered that the act be public, before the local Church and in the presence of the priest.¹²⁹ Even though 'clandestinity' seems to have been understood in the older, narrower sense, the Salisbury statute then went on to adopt the punishments that 4 Lateran 51 had imposed on the couple involved in a clandestine marriage and on the priest who had failed to forbid such unions or had taken part in them.

The Salisbury regulations were reissued during the next few years in 2 Canterbury and 1 Durham but in the third of its derivatives, Durham Peculiars 52, the parts drawn from the Lateran constitution were omitted, leaving only the older regulations derived from 1 Canterbury 54.¹³⁰

The joining of the two traditions was nicely expressed about five years after the Salisbury statute in 1 Worcester 55: it was to be announced in church that there

127 This notion had already appeared at the Council of Westminster (1175); see above, n. 11.

128 See above, pp. 432-33.

129 'De clandestinis matrimoniis. Prohibemus similiter clandestina matrimonia, precipientes quod publice fiant in facie ecclesie, presente sacerdote ad hoc vocato. Si vero secus actum fuerit non approbetur, nisi de nostra speciali auctoritate. Sacerdos qui tales coniunctiones prohibere contempserit vel talibus interesse presumpserit, vel quilibet alius regularis, secundum statuta concilii ab officio per triennium suspendatur, gravius puniendus si culpe quantitas postulaverit. Set et qui taliter copulari presumpserint, etiam in gradu concesso, hiis condigna penitentia iniungatur' (P-C 88). Note that the Salisbury statute goes beyond 1 Canterbury by requiring that the priest be invited to be present at the marriage.

130 Also Constitutiones cuiusdam episcopi 59.

should be no wedding without the presence of the priest and assembled parishioners and the triple reading of the banns.¹³¹ However, by and large, most of the statutes of the first half of the century ignored the requirements of the contract *de presenti*. Some, like 2 Worcester 32, expressed what seems to have been the main concern, that the priest avoid involvement in marriages that had not been preceded by a reading of the banns.¹³² Other statutes simply forbade clandestine marriage,¹³³ while a few were silent.¹³⁴ About mid-century a statement of requirements began to appear in statutes once again. Thus Ely 25, 32, 33 forbade clandestine marriage of any kind and brought the reading of the banns and the presence of the priest together as requirements under penalty of whipping all involved.¹³⁵ Similarly Wells 10, 11 and their derivatives presumed the presence of the priest and witnesses, though the statutes were cast in terms of a prohibition of their participation in marriages that had not been preceded by banns. That the priest be the pastor of the parish church and that there be other legal witnesses were required by 4 Salisbury 4 and a few years later 2 London 43 would be even more specific, requiring that the pastor or rector of the church and at least three other witnesses be present.¹³⁶ The last of the developed treatments of marriage, 2 Exeter 7, was virtually the same. By and large, the statutes of the period implied that the priest was expected to be present at a marriage, so the main purpose of the legislation was to prevent his support of a union that had not been preceded by banns or that had become impossible as a result of their reading.

A similar preoccupation is evident in the councils of the later Middle Ages. Thus in 1342, by the canon *Humana concupiscentia*, Archbishop Stratford moved to 'deny the veil of apparent marriage' to those who sought to live together without that reading of banns that they knew would make their union impossible. He forbade priests to solemnize marriages of non-parishioners without the licence

131 'Denuntiatur publice in ecclesiis quod nunquam sponsalia fiant nisi presente sacerdote et congregatis parochianis suis, et per tres dies solemnes trina fiat denuntiatio. Si quis vero sacerdos desponsioni aliter faciente consencerit, per triennium ab officio suspendatur' (P-C 134).

132 London Archdeaconry 14, 2 Winchester 51, 1 Chichester 27, 28, 3 Winchester 26; cf. the constitution of Archbishop Simon Mepham (1329): '... quibusvis sacerdotibus etiam parochialibus vel non parochialibus, qui contractibus matrimonialibus ante solennem editionem bannorum initis, praesumpserint interesse, poenam suspensionis ab officio per triennium infligendo; et huiusmodi contrahentes etiam, si nullum subsit impedimentum, poena debita percellendo' (W 2.554).

133 Lincoln 42, Norwich 39, 2 Durham 46.

134 Coventry, 1 Exeter, 1 York, 3 Salisbury.

135 'Clandestina quoque matrimonia districtius in ecclesiis solempniter inhibeantur, quolibet genere clandestini matrimonii' (c. 25: P-C 520). See *gloss. ad X*, 4.3.3 *clandestina* (*Decretales d. Gregorii papae IX* [Lyons, 1584], p. 1460) and *DDC* 3 (1942) 799-801, s.v. 'Clandestinité'.

136 A monition of Archbishop Thomas Bourghier to the parish clergy of the Province of Canterbury, 25 May 1455, required two or three witnesses to a marriage. See above, n. 96.

of those who had jurisdiction over them.¹³⁷ A few years later in constitutions for the Province of York, Archbishop Thoresby began a canon reinforcing 4 Lateran 51 with reference to clandestine marriages solemnized 'per capellanos Dei timorem et legum prohibitionem temere contemnentes', and forbade such practice under pain of major excommunication reserved, except at the hour of death, to the ordinary.¹³⁸ This regulation was repeated by Archbishop Wolsey at York in 1518 with specific reference to chaplains solemnizing against the law and with the further intimation that they were sometimes forced to do so. Those involved in this case were also excommunicated.¹³⁹

The statutes included some regulation of the place and time for the proper celebration of marriage. It will be recalled that the presentation of matrimony in several sets of statutes began with a discussion of its dignity and concluded that the sacrament should be received under conditions that were sober and decorous.¹⁴⁰ Statutes quickly came to present this request in more precise and positive terms. The phrase *in facie ecclesie* had appeared in the London Council of 1200; while it referred directly to the local community considered in its religious capacity, it would not be unreasonable to presume that the exchange of consent in question occurred at the building in which the community met for worship.¹⁴¹ This point became explicit in 1 Winchester 57: 'Preterea districte prohibeatur ne aliquis cum aliqua contrahat per verba de presenti nisi apud ecclesiam, tunc scilicet quando sollempnitas ecclesie debet fieri. ...'¹⁴² It was only at the end of the great period of English statute-making that 2 Exeter 7 described the exchange of consent at the church door.¹⁴³ The councils of the fourteenth and

137 W 2.707. The prohibition and penalty were extended not only to the principals but also to those who by force or fear caused such clandestine marriages to be celebrated in churches, oratories or chapels and to others who were involved in such solemnizations.

138 W 3.71-72.

139 W 3.668.

140 1 Salisbury 83 and derivatives: '... non in tabernis, potationibus publicis seu commessionibus'; 2 London 42: '... in locis honestis et tempore congruo...'; 2 Exeter 7: '... in locis honestis et tempore congruo cum omni modestia et maturitate; non in tabernis, potationibus et commessionibus, non secretis locis, latebris et suspectis...' (P-C 87, 642, 996). 2 London 42 made special reference to the dignity of second and third marriages, a regulation that was all the more required, given the fact that ordinarily only the first marriage received the blessing of the priest; see below, p. 456.

141 The phrase had appeared earlier in a text assigned by Wilkins to Richard, archbishop of Canterbury, and dated 1173: 'Non occulta fiant matrimonia, sed palam in facie ecclesiae' (c. 20; W 1.474). On this clause as part of a draft of the canons of the Council of Westminster (1175), see Mary G. Cheney, 'The Council of Westminster 1175: New Light on an Old Source' in *Materials, Sources and Methods*, ed. Derek Baker (Studies in Church History 11; Oxford, 1975), pp. 61-68.

142 P-C 135.

143 'Cum autem matrimonium in facie ecclesie fuerit solennizandum, palam et in ostio ecclesie sacerdos interroget contrahentes si sibi invicem consentiant ab ipsis singillatim' (P-C 998).

fifteenth centuries were concerned to keep the solemnization of marriage in the parish church. Thus at the Provincial Council of London (1329) Archbishop Mepham ordered that any priest who solemnized marriage outside a parish church or chapel of ancient parochial right, without the special licence of the bishop of the diocese, was to be suspended for a year.¹⁴⁴ Whatever uncertainties may have existed as to the meaning of this canon were removed when it was reaffirmed by Archbishop John Stratford in *Humana concupiscentia*.¹⁴⁵ A reflection of this preoccupation with the reservation of weddings to the parish church is evident in the petition of the clergy at the Convocation of the Province of Canterbury in May 1466, asking that it be forbidden the Brothers of Jerusalem to solemnize marriage in their chapels or to allow others to do so.¹⁴⁶

The statutes included a few regulations on the time of solemnization of marriage. In the general presentation of suitable conditions for receiving the sacrament, Synodal Statutes 39 decreed that the ceremony be by day, a regulation that found its way into Lyndwood's *Provinciale* ascribed to Archbishop Walter Reynolds.¹⁴⁷ About the same time 1 Winchester 57, having ruled that the contract be made at the church, went on to say that it should be at a time when a church solemnity ought to be held. It is likely that the 'sollemnitas ecclesie' of the statute refers to the time of ordinary ceremonies such as the Sunday mass and not to the festive as opposed to the penitential season of the year.¹⁴⁸ Understood in this way, the Winchester text implies that marriage was to be celebrated during the day, the usual time of service. Given the fact that the rite of marriage often included a nuptial mass at which the parish gathered, it is highly probable that it was intended that the exchange of consent be held before noon on Sunday morning before the parish mass. Much later, 2 London 42 and 2 Exeter 7 referred to 'tempore congruo' for matrimony, a phrase that probably implied a time not conflicting with the prohibition of marriage during Advent and Lent.¹⁴⁹ Both notions

144 W 2.554.

145 W 2.707.

146 *Registrum Thomae Bourghier*, p. 91. It was alleged in the Convocation of 1489 that chaplains of the Brothers of Jerusalem claimed the right to solemnize marriage and that they often did so, even while a case touching the marriage of one of the spouses was *sub iudice*: '... ac etiam solemnizare matrimonium contra jus divinum et canonicum; et multotiens, pendente lite inter unum eorum inter quos solemnizatur tale matrimonium, per partem absentem non vocatam, nec bannis matrimonialibus editis' (London, Lambeth Palace, Registrum Johannis Morton, fol. 43r; cf. W 3.625).

147 'Matrimonium similiter sicut et alia sacramenta cum honore et reverentia de die et in facie ecclesie, non cum risu et ioco ne sic derisui et contemptui celebretur' (P-C 146); *Provinciale* 4.3, pp. 270-71.

148 Cf. Gratian, C.37 q.4 cc.8-10; X, 2.9.4.

149 See above, n. 140.

of time appeared in the introduction to *Humana concupiscentia* where one of the strategies of those who would avoid the banns was to solemnize marriage 'at an unsuitable hour, during an unsuitable season'.¹⁵⁰

One small sign of the many superstitions about the proper time for marriage appeared in 2 Worcester 55 where the unwillingness to marry except when the moon was filling was mentioned as an example of that observation of 'times and moments' forbidden by St. Paul.¹⁵¹ The priest was to preach against such practices. The prohibition was taken up again in 3 Worcester 29 with the additional command that the priest repeat it every Sunday, warning offenders that they would be sent to the bishop for severe punishment.

Mention was made in 2 London 54 of a 'librum qui dicitur manuale' that each parish priest was expected to have and which included the ritual of marriage.¹⁵² It is presumed that formalities of the contract *de presenti* were set out there in detail.¹⁵³ Such a manual would be a necessary supplement to the statutes which, though they provided many regulations touching the conditions, the witnesses, the time and place of marriage, tended to be silent on the formalities by which it came about. However, they did provide some regulations in this regard. Thus 1 Salisbury 84 set out the form of words that was to be used in French and in English and in the meaning of which the priest was to instruct the people. The legally effective part of the formula was in the present tense: 'I (N.) accept you as mine.'¹⁵⁴ The following sentence clearly expressed the function of the words in establishing the marriage bond: 'In his enim verbis consistit vis magna et matrimonium contrahitur.' As usual these regulations of 1 Salisbury were repeated in 2 Canterbury, 1 Durham and Durham Peculiars 51. It was not until 2 Salisbury 23 that further regulation of the ceremony in which *verba de presenti* were exchanged was made. The priest was instructed that on the day of the wedding he should openly question the couple before the Church, inquiring whether they consented to each other and whether that consent were brought about by force and fear. Then, if he were satisfied that there was no impediment, he was to instruct them in the vernacular that they accept each other in a form of words similar to that used in 1 Salisbury.¹⁵⁵ As proved to be so often the case in the regulation of marriage, 2 Exeter 7 followed 2 Salisbury closely; however, a few

150 'nec horis nec temporibus opportunis' (W 2.707).

151 Gal 4:10; 1 Thess 5:1.

152 See P-C 1408, s.v. 'Books, service, orders for provision of'.

153 See 'Ordo ad faciendum sponsalia' in *Manuale ad usum percelebris ecclesie Sarisburiensis*, ed. A. J. Collins (Henry Bradshaw Society 91; [London,] 1960), pp. 44-55.

154 'Ego .N. accipio te in meam. Similiter et mulier dicat: Ego .N. accipio te in meum' (P-C 87).

155 'Accipio vel recipio te in meam, et Ego te in meum, per que vel per similia verba coniugalis contractus forma designatur' (P-C 376); see above, n. 78.

refinements were added: the ceremony was to be held at the door of the church and the couple were to be questioned separately as to the freedom of their consent.¹⁵⁶ If there were any suspicion on the matter, inquiry was to be made whether force or fear had led to consent. Should both or either spouse admit that such was the case, the ceremony was to proceed no further.

The statutes included no direct reference to that priestly blessing which Lanfranc's canon of 1076 required for validity,¹⁵⁷ nor to the marriage mass. But there are some indirect references to them. Thus it can be concluded from the prohibition of the blessing of second marriages in 3 Worcester 26, 2 Durham 48 and one manuscript of 2 Exeter 7¹⁵⁸ that the priestly blessing was expected in a first union. Similarly, the requirement of 2 Exeter 12, that every parish church and chapel of parochial status should possess a *velum nuptiale* among its set of vestments, implied that the eucharist was expected to be part of the marriage ceremony. The *velatio nuptialis*, a rite in which a veil was spread over the couple, occurred during the blessing that immediately preceded the communion of the nuptial mass.¹⁵⁹ By and large, however, the statutes and conciliar canons contained few regulations on formulae and ritual. Their main purpose was to assure that the contract *de presenti* was delayed until after the reading of the banns, that it should be solemnized in public and, towards the end of the period of the statutes, that the principals' freedom of consent be clearly ascertained in the presence of the parish community.

The statutes included another form of words used to bring about a marriage under different circumstances. If the procedure is to be understood, it must be seen in relation to a movement of reform that sought to remove the scandal of those men and women who frequented each other's company, were free to marry, yet refused to do so. In several English dioceses a solution was sought by requiring the couple to agree that future sexual intercourse would entail marriage. This legislation has been investigated elsewhere but, in the present context, it is of some interest to examine the contract that was used.¹⁶⁰ The earliest form of words available to us is probably that ascribed by 1 London 3 to Roger Niger,

¹⁵⁶ See above, n. 143.

¹⁵⁷ See above, n. 10.

¹⁵⁸ P-C 997 n. q.

¹⁵⁹ See J.-B. Molin and P. Mutembe, *Le rituel du mariage en France du XII^e au XVI^e siècle* (Théologie historique 26; Paris, 1973), pp. 228-33. Discussing the problem of legitimization of children in ep. 24, Robert Grosseteste wrote of the child placed 'sub pallio supra parentes nubentes extenso': *Roberti Grosseteste episcopi quondam Lincolnensis epistulae*, ed. H. R. Luard (RS 25; London, 1861), p. 96.

¹⁶⁰ See R. H. Helmholz, 'Abjuration *sub pena nubendi* in the Church Courts of Medieval England', *The Jurist* 32 (1972) 81-90 and Sheehan, 'The Formation and Stability of Marriage', 253-56 and 'Marriage and Family', pp. 208-11.

bishop of London (1229-41). There it is stated that the couple were to promise in each other's presence that, should they have further sexual union, they would marry, if the Church allowed them to do so: 'Iuro quod si decetero te cognovero carnaliter, habebō te in uxorem meam si sancta ecclesia permittit.'¹⁶¹ It will be noted that the form of words indicates a promise for the future closely analogous to that seen for betrothal.¹⁶² This futurity was also expressed in several other statutes that described the transaction.¹⁶³

A somewhat different point of view of the nature of the act was suggested by the words of agreement set out in 2 Salisbury 53. There it was decreed that, where the above-mentioned relationship existed between a couple, they were to be denounced to the dean by their rectors or curates, then presented by the dean to the chapter in the presence of the archdeacon or his official. Before the chapter, they were to swear to each other: 'Promitto tibi quod si te de cetero carnaliter cognovero, te tanquam in uxorem meam legitimam, nisi aliquid canonicum obstat, consentio. Sic me deus adiuvet et sacrosancta ewangelia.'¹⁶⁴ In this statute *promitto* seems to imply a promise of a future act (the resemblance to betrothal is patent), but the use of the verb *consentio* in the present suggests otherwise; the legally effective part of the text can be translated: 'I promise you that, if I have further carnal knowledge of you, I take you as my lawful wife.' The uncertainty of the meaning of the text is not removed by a clause in the sentence that follows, '... ad quod per censuram ecclesiasticam ... *compellantur*', since the antecedent of *quod* is difficult to establish. It seems best to conclude that the text meant that a couple who were not yet married would be compelled to do so, rather than that a couple who were already married would be compelled to live together. Thus the form of words can best be read as a promise for the future, though it was beginning to suggest a conditional contract *de presenti*.

Any doubt in the matter was removed in the formula in Wells 13: 'Ego accipio te ex nunc in meam, si decetero te cognoscam carnaliter....' Here the form of

¹⁶¹ P-C 631.

¹⁶² See above, p. 427.

¹⁶³ 1 Winchester 54: 'Laici ... desponsare vel sibi invicem fidem dare coram pluribus per sacerdotem suum compellantur, sub hac conditione quod si carnaliter post hec coniuncti fuerint tanquam coniuges inperpetuum se habebunt'; 1 Winchester 58 returned to the problem: 'Si aliquis ad aliquem mulierem consuetudinem habeat et hoc fit publicum, sacerdos suus eum compellat per excommunicationem ad alterum istorum: scilicet ut in presentia quatuor aut quinque testium eadem muliere presente fidem det quod eam pro uxore semper *habeat* si eam decetero carnaliter cognoverit, et mulier hoc idem ex parte sua promittat fide media' (the alternative was a fine); 1 Coventry 15: '... iurare quod inposterum non cognoscat quam cognoscere consueverat, indicatur talis pena ei si eandem cognoverit, quod eam desponset...'; 2 Winchester 52: '... iuret vel fidem prestat de ea habenda in uxorem si ipsam decetero cognoverit' (P-C 134, 135, 213, 410).

¹⁶⁴ P-C 385-86.

words was clearly conceived as a conditional contract whereby a couple became man and wife once the condition — in this case, sexual union — had been realized. The text included an interesting reflection on the role of each sex in carnal union¹⁶⁵ and added that a written account of the transaction should be kept for greater certainty. It was this understanding of the act, one harking back to the older theory that saw consummation as the perfecting of a matrimonial bond that already existed, that appeared in Carlyle 13, 2 York 13, 2 Exeter 7 and, with minor variations that gave more exact expression to the woman's consent to the act, in 3 Winchester 29.¹⁶⁶ As a constitution attributed to Archbishop Robert Winchelsey, the Wells regulation was to appear in many manuscripts of the fourteenth and fifteenth centuries.¹⁶⁷ Thus the form of words revealed a most interesting evolution in the understanding of the act to which it gave expression, one that suggested a growing rigidity in the method used to control the sexual activity of the couples in question. In the statutes of the 1220's a promise of marriage was extracted from them. If there were further sexual relations it was expected that they would marry (efforts might even be made to force them to do so), but they would not yet be married. By the time of the Wells statute, the original act was seen as a conditional marriage. Once the condition had been realized, the couple were man and wife.¹⁶⁸

The Council of Westminster (1175), c. 18, declared that a priest who participated in a clandestine marriage was to be suspended from office for three years.¹⁶⁹ A similar approach was taken in 1 Canterbury 54 where, as was seen above, requirements were set out in more detail; the priest who failed to honour them was suspended. We have also seen that the sanctions of 4 Lateran 51 were stated on similar lines: the priest was suspended for three years if he took part in

165 The active form of the verb *cognoscam* in the formula used by the man is replaced by the passive in the woman's words: 'Ego te in meum, si a te decetero fuero cognita carnaliter' (P-C 598). About the same time a minor but important adjustment of 1 London 3 appeared in 2 London 80. The words *ex tunc* implied that the uniting of the couple as man and wife occurred with their sexual union: 'Iuro quod si decetero te cognovero carnaliter, ex tunc habebō te in uxorem...' (P-C 650).

166 2 Exeter 7 required that the union be solemnized before the Church: 'Quod si contrahentes postea se carnaliter cognoverint, et super hoc fides facta fuerit in iudicio, compellantur matrimonium antea sic contractum in facie ecclesie sollempnizare infra certum tempus arbitrio iudicis moderandum' (P-C 999); 3 Winchester 29: 'Ego te in meum, si a te permiserō me cognosci' (P-C 707).

167 E.g. W 2.283; see C. R. Cheney, 'The so-called Statutes of John Pecham and Robert Winchelsey for the Province of Canterbury', *The Journal of Ecclesiastical History* 12 (1961) 14-34.

168 See Sheehan, 'The Formation and Stability of Marriage', 255, a case where John Smith admitted contract and subsequent intercourse with Roisey Rous but claimed that before intercourse he stated that he did not want her as wife; the court declared them married.

169 See above, p. 410 and n. 11.

a clandestine union or failed to oppose it. But in the Lateran constitution the conception of clandestinity was enlarged to include failure to announce the intended marriage by the banns. Furthermore the penalties for clandestinity thus understood were applied not only to the priest but also to the principals of the union. They were applied in England and have been set out above in the discussion of the banns.¹⁷⁰ By and large, the same penalties applied to the exchange of consent that did not respect the requirements of the statutes. But there was another tradition, that of the Council of Winchester (1076), in which a marriage without the blessing of the priest was declared invalid.¹⁷¹ Here the sanction touched the act itself rather than the persons who had failed to act in accord with the law. In the early thirteenth century this approach appeared once more.

After setting out the requirements for the exchange of consent the Council of Westminster (1200), c. 11, ruled that the principals of a marriage that disobeyed the regulations would be denied entry to a church: '... et si secus factum fuerit, non admittantur [i.e. aliquae personae] alicubi in ecclesia, nisi speciali auctoritate episcopi.'¹⁷² When the clause reappeared in 1 Canterbury 54 it had undergone an important change; at first sight, at least, the validity of the act was called into question: 'Si vero secus factum fuerit, non admittatur in ecclesia nisi de speciali auctoritate domini archiepiscopi.'¹⁷³ Thus the sanction that was to be removed by the bishop was transferred from the principals to the act they performed. With the substitution of *approbetur* for *admittatur*, the same ruling appeared in 1 Salisbury 85 and in its derivatives 2 Canterbury, 1 Durham and Durham Peculiars 51.¹⁷⁴ The likelihood that this clause was sometimes understood to mean that the contract was considered to be invalid is made all the stronger by *Constitutiones cuiusdam episcopi* 59. In this statute the regulations for contracting *de presenti* and the sanctions against failure to observe them were adopted from 1 Canterbury 54. Then followed a sentence requiring the presence of a priest at betrothal. Attached to it was a clause that made it clear that the added regulations touched the validity of the act: 'Quod si aliter factum fuerit, decernimus contractum non tenere et persone legitime punientur.'¹⁷⁵ Since in this set

170 See above, pp. 437-38.

171 See above, p. 410 and n. 10.

172 See above, n. 18.

173 See above, p. 412 and n. 126.

174 It should be noted that in five of the seven manuscripts of 1 Salisbury, the plural form *approbentur* or *approbantur* was used. In Worcester, Cath. Libr. MS. Q. 67, the basis of the edition in P-C, the original reading was *approbentur*; see P-C 88 n. d. Thus most of the Salisbury manuscripts provided a reading similar to that of the Council of Westminster (1200) c. 11, where the plural verb seems to refer to the principals rather than to the validity of their act.

175 P-C 190.

of statutes as in 1 Canterbury the requirements for betrothal were to be set out in the statute that followed, it seems best to explain this awkward insertion by a decision on the part of the author that a text declaring the invalidity of a betrothal performed without due observation of formalities should be placed with a text understood to state the invalidity of a contract *de presenti* that was similarly incomplete. Thus it seems necessary to conclude that *Constitutiones cuiusdam episcopi* 59 required the formalities of the contract *de presenti* for the validity of the act. Such may well be the best interpretation of 1 Canterbury, 1 Salisbury and its derivatives.¹⁷⁶ Yet the texts in question made no mention of correcting the situation created by 'unadmitted' or 'unapproved' marriages by repeating the exchange of consent under proper conditions. The situation was to be retrieved by the authority of the bishop, a point of view that suggests that the validity of the bond established between the couple was not in question, but that its acceptance in the public forum was understood to depend on an act by the bishop.

Beginning in 1240 the statutes reveal an entirely different point of view. Thus in 3 Worcester 22, where the punishment of the priest who violated the Lateran constitution on the reading of banns was ordered, the text went on to point out that this regulation applied not only to solemn weddings but also to those performed otherwise so long as there was a contract *per verba de presenti*. There was no question of the validity of the act.¹⁷⁷ The problem was placed in a much wider context about the same time in 2 Salisbury 33. The opening sentence stated the dilemma presented by a theory of marriage that saw the consent of the couple as the essential act in a world where practice insisted on the formalities attached to that act: 'Though true marriage is contracted by the legitimate consent of a man and a woman, however, as far as the Church is concerned, words or signs implying consent *de presenti* are necessary....' The text went on to say that without the judgment of the Church, presumably based on the public reaction to the reading of the banns, marriage was not to be contracted. Then followed the rather grudging admission that it was tolerated with permission if sometimes contracted otherwise.¹⁷⁸ Almost forty years later 2 Exeter 7 would repeat the text of 2

176 Cf. P-C 1429, s.v. 'Marriage, clandestine: invalidity of'.

177 'Hoc autem non solum intelligimus de matrimoniis solemniter celebratis, set etiam de hiis que aliter fiunt, dum tamen contractum fuerit matrimonium per verba de presenti' (P-C 301-302).

178 'Licet verum matrimonium per legitimum viri et mulieris consensum contrahatur, necessaria tamen sunt quantum ad ecclesiam verba vel signa consensum exprimentia de presenti, ex quo manifestissime apparet quod sine auctoritate ecclesie, cuius iudicio approbandus est contractus vel reprobandus, non sunt matrimonia contrahenda licet alias quandoque contracta ex permissione tollerentur' (P-C 375). The phrase *ex permissu* is understood to refer to an act by the ordinary after the marriage, not as a dispensation from formalities before the exchange of consent.

Salisbury 23 but, by changing the last phrase, it removed any doubt as to the validity of the informal contract *de presenti*: 'quamquam alias contracta propter hoc minime dissolvantur.'¹⁷⁹ That clarifying step had already been taken about 1258 in Wells 11. Here there was no attempt to present the problem in its wider terms. The proper sequence of acts leading to marriage was set out and punishments for the disobedient indicated. Priests were ordered to forbid clandestine unions and to explain the penalties imposed by the Lateran constitution. The statutes ended with the simple statement that, whether formalities were observed or not, the marriages were valid.¹⁸⁰

STIPENDS

From one point of view, the conciliar canons and especially the diocesan statutes can be considered as witnesses to the process whereby the priest came to play an ever greater role in the preliminaries of marriage as well as in the solemnization of the act itself. It is not surprising, then, that this same legislation should include regulations touching stipends and the avoidance of simony.

The exaction of a stipend for the reception of the sacraments and other spiritual services was forbidden in the English Legatine Council of Westminster (1125), c. 2, but it was only in the first canon of a similar council held at Westminster in 1138 that the list was enlarged to include a specific reference to marriage: 'pro ... desponsatione mulierum.'¹⁸¹ In the Provincial Council of Westminster (1200), c. 8, the effect of 3 Lateran 7 was evident in a much developed treatment of simony. It included in its list of prohibitions the demand of a stipend for the burial of the dead and the blessing of spouses.¹⁸² The regulation appeared in 4 Lateran 66 and as such was promulgated with the rest of the constitutions of that council at the Provincial Council of Oxford in 1222.¹⁸³

The prohibition would enter matters of detail in 1 Salisbury 16. Here the demand of a stipend for the burial of the dead and the blessing of spouses was forbidden, but there was also a specific rejection of a fee for making announcements and giving testimony regarding marriage and for solemnizing the union.

¹⁷⁹ P-C 997.

¹⁸⁰ 'In utroque tamen casu matrimonia contracta tenent iuxta canonicas sanctiones' (P-C 598); thus Carlyle 11 and 2 York 11.

¹⁸¹ W 1.408, 415. On the general prohibition see P-C 1439, s.v. 'Sacraments, granted without fee'.

¹⁸² '... aut sepeliendis mortuis aut benedicendis nubentibus ... aliquid exigatur' (W 1.506).

¹⁸³ On the general promulgation of the constitutions of the Fourth Lateran Council, see above, n. 34. Canon 31 of the Council of Oxford forbade the impeding of marriage because of money (P-C 116). The prohibition is in a context of clerical fees and has nothing to do with marriage settlements, dower etc.

As was seen above, 1 Salisbury 84 forbade the exaction of a stipend for the reading of the banns. This developed form of prohibition appeared in 2 Canterbury and 1 Durham and partially in Durham Peculiars and 2 London 45.¹⁸⁴ On the other hand, several sets of statutes followed 2 Worcester 19 in reverting to the prohibition of a required stipend '*pro exequiis mortuum aut pro benedictione nubentium*.'¹⁸⁵

It was with this group that a significant change occurred. Beginning with 3 Worcester 56, a regulation appeared that derived from the nicely balanced statement of 4 Lateran 66: there was to be no stipend for marriage, but the pious customs of the faithful were not to be impeded.¹⁸⁶ The reticence of the Lateran constitution was maintained and the customs were not described, though it is clear enough that an offering was meant. A similar statute appeared about the same time in 2 Salisbury 4 but its colouring was different: where the laudable customs existed, they were to be observed. This position was repeated in Wells 55, its derivatives and 2 Exeter 38. Thus while English ecclesiastical legislation was rather early in forbidding the exaction of a stipend for the assistance of a priest at any stage of a marriage, it was to be a generation after the more nuanced position of 4 Lateran 66 that statutes allowing for the free offerings of the faithful would appear.

THE MARRIED STATE

Once the marriage bond had been properly established, the main task of guidance and enforcement by the Church's legislation had been accomplished. However, there were a few regulations concerned with the course of the marriage itself. Thus late in the thirteenth century 2 Exeter 7 ordered husbands to follow the advice of St. Paul in loving their wives, rendering the conjugal debt and providing the necessities of life in accord with their wealth. They were warned that, if it proved necessary, they were to be compelled to do so.¹⁸⁷ The Provincial Council of Westminster (1200), c. 4, included among its regulations on the sacrament of penance a delicate measure intended to protect the privacy of the couple: penance was to be so assigned to wife or to husband that the spouse would not be aware of any secret sin. This regulation passed in a similar context

184 Durham Peculiars 12 omitted the part of 1 Salisbury 16 that referred to marriage in detail but c. 51 reproduced 1 Salisbury 84; 2 London 45: '*... pro matrimonio celebrando vel pro testimonio ferendo de legitimitate sponsi et sponse*' (P-C 643).

185 3 Worcester 56, Norwich 71, Wells 55, Carlyle 53, 2 York 53 and 2 Exeter 38.

186 '*... pias tamen consuetudines fidelium quas sponte servare voluerint nolumus impediri*' (P-C 310); cf. Alberigo 265.

187 '*Ad quod cum oportuerit eosdem decernimus compellendos*' (P-C 999); see 1 Cor 7:3.

to 1 Canterbury 40. A few years later it appeared as a separate statute in 1 Salisbury 34, with the significant addition that the transgressor should receive sufficient punishment and adequate satisfaction should be imposed. In this form the rule would be reissued in several sets of statutes until about the middle of the thirteenth century.¹⁸⁸ The conscience of the wife came under direct influence in a series of statutes originating in 1 Salisbury 89 whereby the priest was instructed to teach his people in general and forbid wives specifically to take vows without much deliberation, the consent of their husbands and the advice of a priest. This regulation, too, was repeated several times until about the middle of the century.¹⁸⁹

Though theologians and spiritual writers had much advice to give on the temperate use of the marriage right, the matter did not appear in the statutes. On the contrary, they opposed several practices and beliefs that inhibited its exercise. It appears that in Bishop Robert Grosseteste's time some priests in Lincoln diocese imposed an offering on women who had sexual relations with their husbands before they had been purified after childbirth. The practice was condemned in Lincoln 27 and later in Norwich 29.¹⁹⁰ A much more serious problem was the widespread belief that after one had received the sacrament of extreme unction he might no longer have conjugal relations.¹⁹¹ The condemnation of such belief first appeared in 1 Salisbury 94, a text derived from Paris 48. Priests were instructed to teach their people frequently that the sacrament might be repeated in every illness where death was feared. The statute concluded as follows: 'Dicant etiam et denuntient confidenter quod post susceptum sacramentum licitum est reverti ad opus coniugale.'¹⁹² Similar regulations appeared in many sets of statutes until mid-century.¹⁹³ The seriousness of the belief and the extent of the restrictions to which it led had already received statement in 3 Worcester 37; restrictions included carnal relations with one's spouse, the eating of flesh-meat and walking barefoot.¹⁹⁴ The belief was condemned as contrary to sound doctrine and priests were instructed to use ecclesiastical coercion if necessary to bring such people

188 2 Canterbury, 1 Durham, 1 Exeter 32 and Durham Peculiars 26; 1 Chichester 18 was slightly different: 'Coniugatis nulla iniungatur penitentia ex qua suspecti habeantur adinvicem' (P-C 455).

189 2 Canterbury, 1 Durham; *Constitutiones cuiusdam episcopi* 61 stipulated that she consult her own priest; 1 Chichester 30 omitted the reference to the wife's deliberation.

190 The clause was omitted in 2 Durham 37 and Ely 28, both closely related to Lincoln 27.

191 See *Catholicisme: hier, aujourd'hui, demain*, ed. C. Jacquement, 4 (Paris, 1956), pp. 996-97, s.v. 'extrême-onction'.

192 P-C 91; cf. Pontal 70-71.

193 2 Canterbury, 1 Durham, Durham Peculiars 55, Synodal Statutes 37, *Constitutiones cuiusdam episcopi* 55, 2 London 53; 2 Salisbury 18: 'sine coniugalis operis preiudicio'; 1 Chichester 32: 'nec propter illud vitetur thorus' (P-C 373, 457).

194 Also 3 Winchester 25 and 2 Exeter 6.

back from their errors. The seriousness of the resistance to the sacrament resulting from these notions was set out in Wells 8: extreme unction was so abhorred that some would scarcely receive it even at the hour of death. To meet the problem, priests were to instruct their people on the free use of the sacrament and teach them that, should they survive, they need not forego their conjugal rights. This form of the regulation was used in Carlyle 8, 2 York 8 and, with minor variations, 3 Winchester 25 and 2 Exeter 6. Finally, there were the spells and machinations of the sorcerer that might influence the sexual life of the married couple. As was seen above, such practice was condemned in the statutes.¹⁹⁵

It had been established in principle during the twelfth century that major orders and vows were impediments to marriage. Those in minor orders were allowed to take a wife; their clerical role was limited as a result. Thus the Council of Westminster (1175), c. 1, required married men in minor orders to surrender their benefices.¹⁹⁶ This regulation was repeated again at the Legatine Council of London (1237) in a context where it was noted that many men, who had been married secretly, held benefices, sought to obtain new ones and tried to receive holy orders.¹⁹⁷ With Lincoln 9 and 10 regulation of this matter entered the tradition of the diocesan statute. Here it was stated that those with benefices and those in holy orders were not to marry; if they had been married before ordination, they were not allowed to hold a benefice or to exercise their order. This regulation appeared in Norwich 9 and 2 Winchester 12 and, with the important addition that the limitation might sometimes be lifted, in 2 Durham 20.¹⁹⁸ A somewhat different and more refined form of the regulation is found in 2 Salisbury 37: married clerics were to be deprived of their ecclesiastical benefices, especially those to which the care of souls was attached. If the married state of the alleged cleric were disputed, he was to purge himself canonically and, if he failed, he was to lose his benefice. The problem would appear again at the Council of Westminster (1273) as one of the heads of inquiry: 'De clericis uxoris beneficiatis'.¹⁹⁹

With 2 Durham 41, towards the middle of the thirteenth century, a further

195 p. 421.

196 W 1.477. The clauses dealing with the benefices of those in minor orders were included in Lyndwood, *Provinciale* 3.3.1, p. 128.

197 Council of London c. 15 (P-C 252); cf. *ibid.*, pp. 98-99.

198 'Nullusque eorum uxorem ducat; et si antequam sacros ordines suscepit uxorem duxerit seu postea, si beneficium habeat, ipso privetur et ab executione sui officii suspendatur, nisi in casu a iure concesso' (P-C 427). Note that this statute considered the possibility of marriage after receiving orders.

199 P-C 805.

limitation of the married cleric appeared in the statutes. There, in a series of regulations dealing with parish staff, mention was made of a tonsured cleric to assist the priest of a small church: he was not to be married. A few years later in 2 London 35, it was ruled that the married cleric was not to serve at the altar except in urgent necessity. In 3 Winchester 40, the *clericus uxoratus* was likened to a layman: neither was to touch the sacred vessels nor minister in church in place of clergy.²⁰⁰ Finally, in a more developed text that was at once a continuation of the old regulation and evidence of certain changes in society, 2 Exeter 21 forbade married clerics to minister at the altar even if they were literate.²⁰¹ The special problem of the *laicus literatus* is evident more than a century later in a constitution of Archbishop Henry Chichele that seems to have been issued during his first convocation of the Province of Canterbury (1413): the exercise of ecclesiastical jurisdiction was forbidden under severe sanctions to laymen, married clerics and bigamous clerics.²⁰² This constitution found a place in Lyndwood's *Provinciale* and thus remained before the working canonists of the later Middle Ages.²⁰³

If the married cleric became a widower, the limitation to the exercise of his order was removed. Such was not the case of the bigamous cleric.²⁰⁴ The marital relationship into which he had entered made him irregular; while he might be dispensed from its consequences, the irregularity remained all through his life. Beginning with 1 Canterbury 1 and carrying through to 2 Exeter 8, a series of statutes dealt with this matter. In the earliest of them, policy towards bigamists who were already ordained was set out. Thus in 1 Canterbury 1 priests were told that if they knew themselves to be bigamists, they were not to exercise their office until they had consulted the archbishop. The purpose of the consultation became explicit in 1 Salisbury 1 where the bigamous cleric was included in the list of those who were irregular: it was necessary to approach the authority from whom a dispensation could be obtained.²⁰⁵ In 2 Worcester 61 a different approach was

200 'Nulli insuper laici aut clerici uxorati vasa consecrata contingant nec alias in ecclesia loco clericorum ministrent' (P-C 710).

201 The motive was drawn from 1 Cor 7:33: in their desire to please their wives, they would be unable to give all their attention to the worship of God (P-C 1020).

202 On the constitution *De clericis bigamis* (W 3.369-70), see C. R. Cheney, 'William Lyndwood's *Provinciale*', 422 and n. 70.

203 3.3.2, pp. 128-30.

204 The *clericus bigamus* was one who had married twice or had married a widow whose earlier marriage had been consummated. On the history of this irregularity see *DDC* 2 (1937) 853-82, s.v. 'Bigamie, l'irrégularité de' and S. Kuttner, 'Pope Lucius III and the Bigamous Archbishop of Palermo' in *Medieval Studies Presented to Aubrey Gwynn, S.J.*, ed. J. A. Watt et al. (Dublin, 1961), pp. 409-54.

205 Thus 2 Canterbury, 1 Durham and 1 Chichester 25. The possibility of reference to the Holy See for dispensation was stated in 1 Exeter 3: '... qui secundum canones summi pontificis vel saltem nostra indigent dispensatione...' (P-C 228).

taken. Here it was a question of ordination: preliminary examination of the candidates included inquiry about irregularities of which bigamy was one. This approach was developed further in 2 Salisbury 19 with the statement that, until the irregular candidates had been dispensed, orders were not to be received and that, if they had benefices, they should expect to lose them. The problem of the promotion of the bigamous cleric appeared again among the heads of inquiry at the Council of Westminster (1273): 'De bigamis promotis in prelatos'.²⁰⁶ The two sets of regulations were finally brought together in 2 Exeter 8: all those under irregularity were suspended from the exercise of office and all were to remain without ordination to higher rank until they had been dispensed.

During the twelfth and thirteenth centuries it had been debated whether the bigamous cleric lost all the privileges of his order. That such was the case was decreed at the Second Council of Lyons (1274).²⁰⁷ Thus the question of the individual's irregularity was important from several points of view. It explains at least one of the motives that lay behind the complaint to the king at the Council of the Province of Canterbury held at London and Lambeth in 1309: since the recognition of bigamy pertained to the ecclesiastical courts, secular judges should not entertain this matter to the prejudice of the liberty of the Church.²⁰⁸

The irregularity of the *clericus bigamus* can be traced to the ancient Christian preference that a man be married but once; the prohibition of the blessing of second and subsequent marriages was a vestige of the same teaching. In principle the marriage bond was permanent; if broken by death, second and even further unions were permitted but without enthusiasm. As has been seen above, the statutes provided some of the regulations limiting the solemnization of these permitted unions and the role the husband might play in the official life of the Church. There were other problems too, problems touching the permanence of the marriage bond. The statutes and canons provided some direction in their regard.

The regulation treated above, that limited the wife's freedom to make a vow, was usually coupled with another that ruled on the ending of a couple's life together by the entry of one or both spouses into religious life. The possibilities of abuse in such proceedings does not require comment; as the propriety of separation for a higher religious purpose was established in the discussions of the

206 P-C 806. On the relation of this inquiry to the preparation for the Second Council of Lyons, see *ibid.*, p. 804.

207 c. 16 (Alberigo 323) = VI, 1.12.1.

208 c. 12 (P-C 1273). Cf. the constitution ascribed to Archbishop John Stratford by Wilkins (W 2.677): it was claimed that when clerics were arrested by lay authorities the allegation that they were bigamists was used frivolously; once again it was insisted that a decision as to the defendant's status lay with the ecclesiastical jurisdiction.

twelfth century, so were the regulations that saw to its control. Thus 1 Salisbury 89 was the first of a series of statutes that ordered the priest to instruct the people and to forbid those married, under pain of anathema, to enter religious life without the bishop's permission.²⁰⁹ The prohibition and penalty were extended to those who received them into religious houses. During the next forty years these regulations were repeated in 2 Canterbury 89, *Constitutiones cuiusdam episcopi* 61, 1 Durham 89, 2 London 49 and, without the reference to those who received the spouses, in 1 Chichester 30.

At other times, the couple might have had reason for judging their marriage to be invalid and wished to be free of each other. Or, though it was clear to them that they were indeed married, their union might have become intolerable so that they sought a separation. In a world where the establishing of the marriage bond was often a private matter, it would not be surprising if some men and women saw the decision as to its existence or its continuance to be a private matter too.²¹⁰ It was in opposition to this way of proceeding that 1 Winchester 59 insisted that decisions on their marriage were not to be made by the couple but by the judgment of a court.²¹¹ The jurisdiction that decided whether a couple were free to marry when the banns were read maintained the right to judge whether a *de facto* union were a true marriage and to decide under what conditions the couple should be free of some of the obligations of their state.

CONCLUSIONS

One of the more remarkable processes discernible in European society of the twelfth century is a change in attitude to marriage. There were many causes and many manifestations of that fact. In a welter of traditions, at a time of renewed sensitivity in many aspects of human endeavour, through examination of sexuality, celibacy and the married state by poet, lawyer and theologian, European thinking about marriage began a change in direction that launched one of the major movements in the social history of the West. Many forces helped to give a certain coherence and consistency to this multi-faceted trend. One of them — to my present thinking it may well have been the key — was the long effort by canonists to give legal structure to the institution that resulted and to guide society in the secular process of accepting it.

209 '... prohibere sub anathemate ne alter coniugum transeat ad religionem, nec recipiatur, nisi per nos aud nostram licentiam' (P-C 89).

210 See Helmholtz, *Marriage Litigation*, pp. 59-63. In a forthcoming article I plan to examine the jurisdiction over marriage cases as regulated by English councils and synodal statutes.

211 '... quoniam si separatio talis contractus fieri debet, oportet quod fiat per sententiam et non per compositionem. Preterea cum de impedimento matrimonii orta fuerit questio, nulla penitus admittatur compositio sed per sententiam dirimatur' (P-C 135).

An understanding of the essence, the consequences and the modes of establishing the marriage bond was arrived at by the long process of which some of the stages and some of the remaining historiographical problems were set out at the Colloque du Cerdic in May 1970.²¹² At the centre of the development was the understanding of the role of the principals of the marriage, the bride and groom. Stated in drastically simplified terms, this change can be seen in two steps. The first is manifest in Gratian, namely, that the principals of the marriage must consent to it if there is to be a marriage. The second step, that no other consent is necessary, was slowly clarified in a series of papal judgments. In consequence, if not in intent, a principle was enunciated that withdrew the choice of spouse from both family and lord, vesting it in the couple themselves. Of course there could be many reasons why the couple should not marry; they too were set out by the canonists. But since ignorance, self-deception, mutual deceit or collusion might have led the principals to escape these restrictions, a series of regulations was developed; they touched the indication of intent to marry by the banns and the due publicity and form of betrothal and marriage. Thus while the personal nature of the consent was enhanced, the condition of its exercise was subjected to a certain control by a wider circle who provided the publicity for the individual marriage and the memory of its existence. It is significant that neither the family nor the lord, as such, was the instrument of this control; it was vested in the fellow parishioners of the couple, the local community to which they belonged.

As has been suggested, the consequences of this new understanding of marriage were, when seen in long term, immense. However, until recently, little attention has been paid to the process whereby a theoretical construction entered practice; that is, how the understanding of marriage just sketched spread to different provinces of the Church and worked down through different levels of population, and at what tempo. Many routes are currently being explored: literature, iconography, ritual and prayer forms, pastoral instruction by sermon and letter, treatises on moral guidance, letters, diaries and several other kinds of evidence might be mentioned.²¹³ Here as elsewhere, the role of canon law as discipline and pastoral guide must be explored.

It has been the purpose of this essay to examine one index of that role: to show how the local legislation of the medieval English Church reveals the rate at which the general canon law found expression at the level where it was available to the parish clergy. With the blossoming of the diocesan statute as the preferred instrument the detailed regulation of marriage and a not inconsequential teaching on its meaning and end began. The statutes moved well beyond that general

²¹² See *Le lien matrimonial*, passim.

²¹³ See 'Choice of Marriage Partner in the Middle Ages: Development and Mode of Application of a Theory of Marriage' in *Studies in Medieval and Renaissance History* (forthcoming).

statement of the external rules of behaviour that had been typical of conciliar regulation and would remain so. Beyond doubt, the crucial event was the publication of the First Statutes of Salisbury by Bishop Richard Poore within four years of the Fourth Lateran Council. Due to the very widespread influence of his collection during the twenty years after its appearance and the subsequent influence of the Third Statutes of Worcester and the Statutes of Wells, all the dioceses of England except Rochester and Bath and Wells are known to have had access to an advanced and more or less detailed statement of the recently developed law of marriage. We know that pastors were required to have copies of these statutes and that at synods these regulations were read to the clergy in attendance. Thus it can be concluded that the first sixty years of the thirteenth century was the period during which this teaching became available in England at the parish level. Most dioceses are known to have had access to it by 1240.

The preoccupation of this literature was to bring about a true marriage. The free consent of the couple was essential to such a union. Yet this requisite did not loom large in English legislation. There are many signs that it was taken for granted — this as early as the Council of Westminster of 1175. Yet it was only towards the middle of the thirteenth century that statutes remark — almost with reluctance — that it was consent that made the marriage. Thus, though the statutes were prompt to teach that sexual union after betrothal was considered to be marriage and were precocious in the theory of the bond that they revealed, the main direction of their teaching was that there should be no union of husband and wife until its possibility had been exposed to the full scrutiny afforded by the banns and the public exchange of consent *de presenti*.

Whatever the theoretical priorities of the new conception of marriage might have been, it contained within itself the grave pedagogical problem of the act that is at once forbidden and possible. English legislation resolved it by a steady insistence on the publicity of marriage that completely overshadowed the quiet admission that such publicity was not essential to the union. The requirements for betrothal were set out quickly and clearly; legislation after 1250 had nothing to add in its regard. It was the reading of the banns and the public exchange of consent *de presenti* that were recognized as the essential controls. It is important to note that the solemnization of the exchange of consent in the presence of a priest was sometimes used to give the strength of the *fait accompli* to a union that had not been preceded by the banns. Like a Romeo and a Juliet, some couples sought their Friar Lawrence, an act that was a clear indication that the role of the priest was accepted and that the banns were an effective obstacle to the impeded marriage. The period between the end of the thirteenth century and the Reformation in England, as in the Church generally, was not to see original legislation touching marriage, but the councils of the period were to return again and again

to reinforce the proper reading of the banns and to prevent the use of an unacceptable solemnization of marriage to circumvent it. This was the key to the system and, in a sense, its most vulnerable point; it was to its defence and perfection that statute and canon continually returned. The system of social control of marriage first outlined at the Council of Westminster in 1200 was to require further adjustment, but it continued to be effective and, as such, survived into modern times.

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THE *DREAM OF THE ROOD* AND ALDHELM ON SACRED PROSOPOPOEIA

Bruce Karl Braswell

THE *Dream of the Rood* has long been regarded as one of the most attractive and original poems preserved in Old English. Few readers can fail to have been impressed by the narration of Christ's passion as told by the Cross itself. Although the first students of the *Dream* were by no means unaware of classical precedents for inanimate objects telling a story, it was natural enough for them, in the absence of obvious direct models, to stress the essential originality of the poem in this and other respects. Later scholars have long since collected enough parallels to show that the *Dream* stands in a recognizable literary tradition. The results of these observations, amplified by her own contributions, were conveniently assembled by Margaret Schlauch in what has become the standard study of this subject.¹ She showed that many of the Latin poems employing the rhetorical device of prosopopoeia along with the technical discussions of it in the grammarians might have been known to educated Englishmen of the seventh and eighth centuries. However, not only was she unable to supply a specific source for the *Dream* but she could suggest no possible general influence closer in time and place than Priscian and a weak echo of his description of prosopopoeia in Isidore of Seville.² When we have examined all that *Quellenforschung* has thus far been able to contribute, we are left with the conclusion that 'the *Rood*, in both conception and execution, belongs to the short list of original Old English religious poems'.³

Without wishing to dispute the originality of the *Dream* I should like to call to the attention of students of the work a remarkable passage in an Anglo-Latin

1 'The "Dream of the Rood" as Prosopopoeia' in *Essays and Studies in Honor of Carleton Brown* (New York, 1940), pp. 23-34. For helpful suggestions I am indebted to Professors Franco Munari and Laurel Braswell.

2 Schlauch, *ibid.*, pp. 30-32. On the relation of the Anglo-Saxon riddles to the *Dream*, see *ibid.*, pp. 29-30.

3 K. Malone, 'The Old English Period (to 1100)' in *A Literary History of England*, ed. A. C. Baugh, 1, 2nd edition (London, 1967), p. 79.

treatise which is arguably one of the starting points of the Old English poem. In the treatise on metres, riddles, and the rules of metrical feet, which encloses his collection of Latin riddles, Aldhelm wrote:

Porro, quod eadem muta insensibilium rerum natura, de qua enigma clanculum et latens propositio componitur, quasi loqui et sermocinari fingitur, hoc et in sacris litterarum apicibus insertum legitur, quia nonnumquam rationabilis creatura irrationabilium gestu et personis utitur et e diverso irrationabilis sensusque vivacitate carens intellectualium gestu et voce fungitur: quemadmodum in libro Iudicum diversa lignorum genera articulata hominis voce loquentia monarchum quaesisse referuntur (*ierunt, inquit, ligna ungere super se regem*) [Iud 9:8], ubi et singillatim, sicut supra iam diximus, ficus et vitis simulque oliva et ad extremum ramnus igne proprio flammisque voracibus Libani cedros consumpturus iuxta ritum humanae locutionis profari perhibentur [Iud 9:15]. Huius etiam tropi figuram in quarto Regum volumine Ioas Israheliticae plebis gubernaculo potitus ad Amasiam regalibus imperii sceptris fulgentem cum furibundo cavillationis ludibrio et probroso gannaturae subsannantis elogio crudeliter componens *Carduus*, inquit, *Libani misit ad cedrum, quae est in Libano, dicens: Da filiam tuam filio meo uxorem!* et reliqua [4 Reg 14:9]; et psalmista *omnia ligna silvarum exultasse* [Ps 95:12] et *flumina manuum plausibus luisse camposque gratulabundos extitisse* [Ps 97:8] ab animali ad inanimale metaforice retulit, et illud poeticum

Mater me genuit, eadem mox gignitur ex me;

et quot de mutis aut brutis ratiocinationis argumenta requiruntur, cum etiam sapientissimus cunctorum retro regum et deinceps nasciturorum in Ecclesiaste frequenter stolidissimorum personis utatur dicens: *Quid habet homo amplius iumento* [Eccl 3:19] aut *sapiens stulto?* [Eccl 6:8] et cetera similia. Haec idcirco diximus, ne quis forte novo nos et inusitato dicendi argumento et quasi nullis priorum vestigiis trito praedicta enigmata cecinisse arbitretur.⁴

Moreover, the device of representing inanimate objects devoid of speech, which are the subject of dark riddles and statements with hidden meanings, as talking and speaking is found employed in Sacred Scripture. For sometimes a rational creature adopts the pose and character of irrational objects and, on the other hand, a creature that is irrational and lacking the power of sense perception is endowed with the pose and voice of creatures with the capacity of understanding. For instance, in the book of Judges various kinds of trees speaking with a distinct, human voice are stated to have sought a ruler: 'The trees went to anoint a king to rule over them' [Jud 9:8]. There also one by one, as I have already said above,⁵ the fig-tree, the vine, the olive, and, last of all, the bramble, which was prepared to devour the cedars of Lebanon with fire and consuming flames from itself, are said to have spoken after the fashion of human speech [Jud 9:15]. Also in the fourth

⁴ *De metris et enigmatibus ac pedum regulis*, chap. 7 in *Aldhelmi opera*, ed. R. Ehwald, MGH *AA* 15 (Berlin, 1919; rpt. 1961), pp. 76, 16 - 77, 18. I am responsible for the translation which follows.

⁵ chap. 2, p. 68, 7.

book of Kings Joas, who ruled over the people of Israel, cruelly employed a form of this trope with inspired mockery and an abusive expression of snarling derision against Amasias, who had the illustrious honour of bearing the royal sceptre of authority, when he said: 'The thistle of Lebanon sent to the cedar, which is in Lebanon, and said, "Give your daughter to my son to be his wife"', and so forth [4 Kings 14:9]. And the Psalmist metaphorically ascribed to an inanimate object characteristics taken from an animate object: 'All the trees of the woods rejoiced' [Ps 95:12] and 'The rivers made music with the clapping of their hands and the fields expressed their joy' [Ps 97:8]. The same is true in the verse, 'My mother bore me, afterwards she is born from me',⁶ and in all the examples of reasoning drawn from dumb beasts and unintelligent men, since even the wisest of all the kings who lived in the past and of those who will be born afterwards often uses in Ecclesiastes very stupid people as examples when he says: 'What has man more than beast?' [Eccl 3:19] or 'a wise man more than a fool?' [Eccl 6:8], and other such things. I have made this point so that no one may think that I have composed the metrical riddles in a new and unusual way and, as it were, one untrod by the footsteps of any predecessor.

For a poet who wished to narrate the central Christian story of Christ's passion, Aldhelm's description of prosopopoeia would give not only a technical suggestion how he might do it effectively but also scriptural authority for the use of this rhetorical device. The importance of scriptural authority in literary matters in Anglo-Saxon England cannot be overstressed. The English Church, unlike its counterpart on the Continent, had no unbroken humanistic tradition with a residue of secular learning but was from the beginning a creation of men whose interests were exclusively ecclesiastical. It is thus not surprising to find on the part of Anglo-Saxon churchmen, who were themselves products of an exclusively ecclesiastical education, a rigoristic attitude toward secular literature, which in their minds bore the mark of the world with all its spiritual dangers.⁷ This suspicion of secular letters led English writers of Latin grammatical and rhetorical treatises to substitute, wherever possible, examples taken from the Bible or Christian authors for classical ones drawn directly or, more often, indirectly from pagan writers. This tendency, which is already strong in Aldhelm, found its most complete expression in Bede's *De schematibus et tropis*, in which all the examples but one are drawn from Holy Scripture.⁸ Thus an English religious poet

6 This verse, though not found in any extant collection of riddles, is often cited by grammarians. Cf. Ehwald's note, *ad loc.*, p. 77.

7 Cf., e.g., Bede, *Super parabolas Salomonis allegorica expositio* 1.7 (PL 91.963D), and in general the chapter (no. 26), 'Secular and Christian Books', in Peter Hunter Blair, *The World of Bede* (London, 1970), pp. 282-97.

8 See C. Halm, *Rhetores latini minores* (Leipzig, 1863; rpt. Frankfurt am Main, 1964), pp. 607-18. The one exception is an hexameter verse, drawn not from Ennius as Halm suggested (p. 610 on l. 20), but from Sedulius, *Paschale carmen* 1.136 (CSEL 10.26), as M. Manitius, *Geschichte der lateinischen Literatur des Mittelalters* I (Munich, 1911; rpt. 1959), p. 75, pointed out. It is in keeping with the tenor of his work that Bede should take this verse example from a Christian poet.

who had read Aldhelm's description of sacred prosopopoeia would have found ample authority for the employment of this rhetorical device in his own poetry.

If Aldhelm had merely described prosopopoeia and drawn various types of examples from random sources, we should be inclined simply to add his discussion to the list of possible influences compiled by Margaret Schlauch. Aldhelm would of course be of special interest because of his nearness in place and time to the author of the *Dream of the Rood*. Aldhelm, however, stands in an even closer relation to the *Dream* poet than that of possible general influence. His choice of the speaking trees of the Old Testament to illustrate the use of prosopopoeia would have suggested an effective and striking way of narrating Christ's passion. Why not let the Cross, which was once a tree, tell the story?⁹ When we have read Aldhelm's discussion of prosopopoeia, it is hard not to suspect that the poet of the *Dream* may have drawn his plan for the central narrative from that source.

But what other evidence do we have which would suggest that the poet of the *Dream* might have read Aldhelm's treatise? It would be an almost certain assumption that at least the addressee of Aldhelm's work read it. The treatise is in fact written in the form of a letter addressed to Aldfrith, king of Northumbria, who ruled from 685 to 705.¹⁰ Aldfrith enjoyed in his own day and afterwards a considerable reputation as a man of learning and letters.¹¹ To him was also dedicated Adamnan's *De locis sanctis*, which Aldfrith had copied and circulated in his kingdom.¹² Adamnan's work, which still survives, was based on an oral account of a visit to the East by a Gallic bishop, Arculf.¹³ Prominent among the

9 Cf. verses 24-30, in which the dreamer introduces the speech of the Cross: Hwæðre ic þær licgende lange hwile / behēold hrēowcearig Hælendes trēow, / oððæt ic gehyrde þæt hit hlēoðrode. / Ongan þā word sprecan wudu sēlesta: / "Þæt wæs geāra iū, (ic þæt gýta geman), / þæt ic wæs āhēawen holtes on ende, / āstyred of stefne minum (*The Dream of the Rood*, ed. M. Swanton [Manchester - New York, 1970], p. 91). In the prologue the Cross is repeatedly called a 'trēow' (4, 14, 17, 25). The beginning of the Cross's speech, it may be further observed, is close in form to that of a riddle, a literary genre especially cultivated by Aldhelm and included by him in his treatise on poetry.

10 Cf. Ehwald, p. 61 with n. 1. Since Aldhelm addresses Aldfrith as king, the letter must fall within his regnal years, on which see Bede, *Historia ecclesiastica* 5.18 and 4.26 in *Bede's Ecclesiastical History of the English People*, ed. B. Colgrave and R. A. B. Mynors (Oxford Medieval Texts; Oxford, 1969), pp. 512 and 430 (all references to the text of Bede's *History* are to this edition).

11 Cf. Bede, *Historia ecclesiastica* 4.26, p. 430 (*uir in scripturis doctissimus*), 5.12, p. 496 (*uiro undecumque doctissimo*), and Alcuin, *De sanctis Eborac. eccl.* 842-45, in *MGH Poetae latini aevi carolini* 1, ed. E. Dümmler (Berlin, 1881; rpt. 1964), p. 188, along with other references given by C. Plummer in his edition of Bede's *Opera historica* 2 (Oxford, 1896; rpt. 1961), pp. 263-64. On the extant Irish poems attributed to Aldfrith, see Plummer, *ibid.*

12 Cf. Bede, *Historia ecclesiastica* 5.15, p. 508.

13 On the circumstances of its composition, see Bede, *Historia ecclesiastica* 5.15, pp. 506-508. For a convenient modern edition with English translation, see Adamnan's *De locis sanctis*, ed. D.

sights which Arculf saw on his travels was wood from the true Cross preserved in the church of Hagia Sophia in Constantinople. This he describes at length along with the elaborate devotion paid to it by the emperor and imperial court during Holy Week.¹⁴ Adamnan's book may well have stimulated interest in the cult of the Cross in Northumbria and, not the least, at the court of Aldfrith, where the abbot of Iona was for a time resident.¹⁵ We may thus be sure that the Northumbrian king knew not only Aldhelm's treatment of sacred prosopopoeia with its examples of the speaking trees in the Old Testament but also of the devotion to the Cross in the East and especially that of the Byzantine emperor. If then the poet of the *Dream* was present at Aldfrith's court, he could well have known the works of both Aldhelm and Adamnan.

There are, moreover, two other pieces of evidence which would suggest that the Northumbrian court may have been the place at which the *Dream of the Rood* was composed. First, we should ask who could have been responsible for producing so elaborate and grand a monument as the Ruthwell Cross with its theologically sophisticated iconography and its runic inscription containing part of the *Dream*. Obviously few private persons or indeed individual churches or monasteries would have been in a position to commission so costly a work for a remote corner of the Northumbrian kingdom. The king would have been, and, moreover, he would have had a very good reason for doing so. The cross is clearly a preaching one¹⁶ and would have aided the king's missionary endeavours in that part of his realm. If the royal court is most likely to have been responsible for erecting the Ruthwell Cross, the inscribing of the *Dream* on the cross would be all the more understandable if it had originated in the same place.¹⁷

Meehan (*Scriptores latini Hiberniae* 3; Dublin, 1958). A still more recent edition of the Latin text by L. Bieler has appeared in *Itineraria et alia geographica* (CCL 175; Turnhout, 1965), pp. 175-234.

14 3.3 (Meehan, *ibid.*, pp. 108-10). Other crosses which Arculf singles out for special mention are a large silver one in the church of Golgotha erected on the site of the original Cross on Calvary in Jerusalem (1.5; Meehan, *ibid.*, pp. 48-50) and a tall wooden cross in the Jordan which marked the place where Jesus was baptized (2.16; Meehan, *ibid.*, p. 86).

15 Cf. Bede, *Historia ecclesiastica* 5.15, pp. 504-506. On the possible influence of Adamnan's book, cf. also the introduction to Swanton's edition, p. 45. For other instances of contemporary interest in the Cross, see Swanton, pp. 42-52.

16 Cf. Swanton, *ibid.*, p. 13, who further remarks that 'a singularly appropriate milieu for so grandiose a monumental conception as the Ruthwell Cross might well be found in the court of Aldfrith' (p. 25).

17 The Ruthwell Cross has of course been variously dated; however, as the careful discussion of Swanton (*ibid.*, pp. 23, 25-31, 38) clearly shows, the iconography, the letter forms, and the language of the inscription all point to a date at the end of the seventh or the beginning of the eighth century, i.e. the reign of Aldfrith. The text of the *Dream of the Rood* as preserved in the tenth-century Vercelli Book reveals in its linguistic forms, as one would expect, the effects of transmission. Still, there are no solid grounds for supposing that the text of the literary tradition was not

A further piece of evidence which might point to Aldfrith's court concerns the dream-vision of the poem. Dreams and visions were of course a familiar aspect of contemporary religious experience. We need only think of the occasion of Caedmon's *Hymn*.¹⁸ One vision which Bede reports at great length is that of Drythelm, who, he tells us, related his experiences to King Aldfrith, at whose request the visionary was admitted to the monastery at Melrose.¹⁹ Moreover, Bede adds, whenever the king visited that region, he often went to listen to Drythelm's story.²⁰ Clearly Aldfrith was particularly interested in dream visions.

* * *

We now see that several of the important elements which may have influenced the composition of the *Dream of the Rood* were present at Aldfrith's court. Adamnan's account of the veneration of the Cross in the East would have added to the interest in the cult which doubtless already existed in Northumbria. Aldhelm's treatment of sacred prosopopoeia would have provided an effective narrative device, that of allowing the Cross itself to tell the story of Christ's passion, and, in addition, have given it the authority of Sacred Scripture. Drythelm's vision could have suggested the external narrative of the dream prologue. Even more important perhaps is the presence of a king, both learned and literary in his tastes, who could have appreciated the *Dream of the Rood* and rewarded it with his patronage. In fact, it is conceivable that this man, to whom Aldhelm addressed a practical treatise on metrics and who enjoyed a high poetic reputation among the Irish, probably his mother's people, may have himself composed poetry in his paternal tongue. It would be an overextension of the evidence to suggest that Aldfrith was the poet of the *Dream of the Rood*, although he would seem a very good candidate. If the king was responsible for the composition of the *Dream*, this fact would make its presence on the Ruthwell Cross, which itself is very likely a product of royal patronage, all the more understandable. Still, though the question of authorship is best left open, we may at least be certain that the milieu in which the *Dream of the Rood* was composed fits best that of the

originally identical with that preserved on the Ruthwell Cross. Thus theories about deliberate archaizing in the language of the *Dream* (on which, see Swanton, *ibid.*, p. 38) prove unnecessary once we accept the most reasonable explanation, that the original text of the poem was roughly contemporary with the Ruthwell Cross. This is not to say that the inscription need necessarily have been part of the cross as it was originally designed; it could of course have been added somewhat later.

¹⁸ Bede, *Historia ecclesiastica* 4.24, pp. 414-18. On dream-conventions in Old English literature, see Swanton, *ibid.*, pp. 62-63.

¹⁹ *Historia ecclesiastica* 5.12, pp. 488-98.

²⁰ '... atque ad eum audiendum saepissime, cum illas in partes deuenisset, accederet' (*Historia ecclesiastica* 5.12, p. 496).

Northumbrian court under Aldfrith, where most of the essential elements of its composition were demonstrably present. But, we should remember, having shown that the elements of a work of art were present at the appropriate time and place, we have not thereby explained the work as such. Yet when we have been able to see a little better how the *Dream* may have come to be composed, we recognize it, not less but more, as a work of incontestable originality.

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THE TEXT OF CICERO'S *TOPICA* IN CODEX CHARTRES 498

Chauncey E. Finch

ONE of the most important works brought out in Chartres in the twelfth century is a compendium on the seven liberal arts produced by Thierry of Chartres (1100-c. 1156) with the general title *Heptateuchon*. This was made up of compositions by forty-five writers and was originally arranged in two volumes which were preserved at Chartres as codices 497 and 498.¹ Regrettably both of these manuscripts were destroyed by fire on 26 May 1944. But by good fortune microfilm copies have been preserved in two institutions: the abbey of Mont César in Louvain, Belgium, and the Pontifical Institute of Mediaeval Studies in Toronto, Canada.²

Among the individual works incorporated into the *Heptateuchon* by Thierry is the *Topica* of Cicero (Chartres 498, fols. 52v-58r) sandwiched in between the *De syllogismo hypothetico* and *De differentiis topicis* of Boethius.³ In view of the important position occupied by Thierry in the intellectual milieu of Chartres in the twelfth century, it is a matter of considerable interest to the student of Cicero to learn something of the quality and nature of the text of the *Topica* utilized by him. In pursuit of this goal I have made a very careful study of the twelfth-century copy of the *Topica* in Chartres 498 and can affirm, on the basis of that study, that Thierry had an excellent manuscript of the work at his disposal.⁴

Editors of the standard critical editions of Cicero's *Topica* agree that the manuscripts used by them fall into two families: fam. 1 made up of codex Vat.

1 Charles H. Haskins, *Studies in the History of Mediaeval Science*, 2nd edition (Cambridge, Mass., 1927; rpt. New York, 1960), pp. 90-91.

2 Edouard Jauneau, 'Le Prologus in Eptatheucon de Thierry de Chartres', *Mediaeval Studies* 16 (1954) 171-75.

3 *Catalogue général des manuscrits des bibliothèques publiques de France, Départements* 11 (Paris, 1890), p. 212.

4 I am very grateful to Dr. Wilma Fitzgerald of the Pontifical Institute of Mediaeval Studies for making available to me an enlarged print of the portion of the Toronto microfilm of Chartres 498 containing the *Topica*.

Ottob. lat. 1406, saec. XI ex. (= O) and codex Vitebergensis, an. 1432 (= f); and fam. 2 made up of the remaining known manuscripts (thirteen or so in number), ranging in date from the tenth to the twelfth centuries. Such is the classification followed by W. Friedrich,⁵ A. S. Wilkins,⁶ and H. Bornecque.⁷ All three editors agree that fam. 1 is the better of the two families. In actual practice, however, Bornecque accepts its readings less consistently than do the other two.

In an article published in *Classical Philology*, I pointed out recently that three previously unstudied manuscripts of the *Topica* can now be added to fam. 1: Vat. lat. 1701, saec. XV (= h), Vat. lat. 2110, saec. XV (= g), and Vat. lat. 8591, saec. XI (= C).⁸ In the same article I provided evidence to show that fam. 1 can be broken up into two subdivisions, α and β , with α made up of C and β made up of Ogh.⁹ Of these two subdivisions, α is the better, preserving the correct reading more consistently than does β .

A study of the text of the *Topica* in Chartres 498 (henceforth designated T) shows that it is unquestionably a member of fam. 1, though it has been contaminated at some spots with fam. 2 readings. In the vast majority of cases in which the members of fam. 1 agree in their readings against the members of fam. 2, T follows fam. 1. The following are among the more significant examples:¹⁰

1.8 eorum librorum] librorum eorum *COghT*; 2.7 quod] quia *COghT*; 6.5 ea scientia] eam scientiam *COghT*; 8.8-9 ducuntur] dicuntur *COghT*; 10.3 earum] earum rerum *COghT*; 10.6 lex] lex elia santia *CO*, lex elia sanctia *g*, lex elia sentia *h*, lex helia sanctia *T*; 12.4 graece *om. COghT*; 19.3 factum est] factum sit *COghT*; 26.2 membra habet] habet membra *COghT*; 27.5 sunt] sunt earum autem (aute *g*) rerum quae non sunt *COghT*; 27.10 insita] insignita *COghT*; 27.11-12 explicanda sunt] explicanda est *CghfT*, est explicanda *O*; 28.5 iuris *COghT*, *om. fam. 2 f*; 28.9 nexu *COghfT*, nexu *fam. 2*; 29.15 qui inter se] inter se qui *COghT*; 29.18 servitutum] servitute *COghT*; 31.13 per *COghfT*, *om. fam. 2*; 31.14 quadam] aliqua *COghT*; 32.7 utens] enim utens *COghT*; 39.5 propiore] loco propiore *C*, propiore loco *OT*, propiore loco *g*, proprie loco *h*; 42.3 mandaris] mandaveris *COghT*; 42.5 appellatur *COghfT*, appelletur *fam. 2*; 44.3 heredes] heredem *COghT* // instituissent] instituisset *COghT*; 44.5 obtinuissent] obtinuisset *COghT*; 46.5 aut¹ *om. COghT*; 47.3 et *om. COghT*; 49.4 negantia ea *COghfT*, negantia *fam. 2*; 52.5 post] at (ac *C*) post *COghT*; 57.8 ad hanc *COghT*, ad haec *fam. 2 f*; 61.3-4 accidissent] cecidissent *COghfT*; 61.6 navim *COghT*, navem *fam. 2*; 62.2 quae] ut *COghT*; 62.3 velut] vel *COghT*;

5 W. Friedrich, ed., *M. Tullii Ciceronis opera rhetorica* 2 (Leipzig, 1893), p. lxxvi.

6 A. S. Wilkins, ed., *M. Tullii Ciceronis rhetorica* 2 (Oxford, 1903), p. iii.

7 H. Bornecque, ed., *Cicéron: Divisions de l'art oratoire, Topiques* (Paris, 1924), pp. 61-62.

8 Chauncey E. Finch, 'Codices Vat. lat. 1701, 2110, and 8591 as Sources for Cicero's *Topica*', *Classical Philology* 68 (1972) 112-17.

9 *ibid.*, 113-14.

10 The lemmata of all citations of the *Topica* in this paper are taken from the Bornecque edition. The second number in each citation is the line number calculated according to the line divisions used in the Bornecque text. This will vary slightly for other editions in some instances.

63.10 fortuna] necessitate *COghT*; 64.4 subicitur ille] ille subicitur *COghT*; 64.6 in *om. COghT*; 65.7 consilio] consilia *COghT*; 66.2 inter] ut inter *COghT*; 66.4 eis *om. COghT* // enim *om. COghT*; 68.4 spectantur] expectantur *COghT*; 70.2 ipsis *COghfT*, ipsa *fam. 2*; 71.3 comparantur *COghfT*, comparentur *fam. 2*; 72.5 perficiamus] efficiamus *COghT*; 75.6 imprudentes] imprudenter *COghT*; 77.3 in *om. COghfT*; 77.4 opera divina quaedam] quaedam opera divina *COghT*; 78.7 rentur eos] videntur eis *COghT*; 79.5 alios] alios quibusdam (quibus *g*) alios *COghT*; 79.4 disputationem] quaestionem *COghT*; 79.6 duo genera] duo sunt genera *CT*, duo genera sunt *Ogh*; 80.3 in² *om. COghT*; 82.6 aut sitne] cum an sit *COghT*; 82.7-8 primum ... secundum ... tertium] prima ... secunda ... tertia *COghT*; 82.13 sit necne sic] sit nec sit *C*, sit necne sit *C¹OghfT*; 82.17 sic] sic ut cum *COghT*; 86.8 cum] tum *COghT*; 87.2 sint] sunt *COghT*; 88.5 rei² *om. COghT*; 88.6 huius] huic *COghT*; 90.4 tributionem] tuitionem *COghT*; 92.2 instruuntur] instituuntur *COghT*; 92.5 sit factum *COghfT*, factum sit *fam. 2*; 92.7 appelletur] appellatur *COghT*; 95.2 vocant *COghfT*, appellant *fam. 2*; 96.2 defenditur] defendetur *COghT*; 96.4 possint] possunt *COghfT*; 98.1 sequitur *COghT*, consequitur *fam. 2 f*.

The number of cases in which T agrees with *fam. 2* against *fam. 1* is relatively small. The following are the most notable examples:

4.4 scripsisses *fam. 2 T*, cavisses *COgh*; 10.3 nulla *fam. 2 T*, ulla *COgh*; 21.6 repugnat *COgh*, pugnat *fam. 2 f T*; 27.10 intellegentia *fam. 2 T*, intelligentiae *COghf*; 48.2 appellant *fam. 2 T*, appellantur *COgh*; 49.1 velut *COghf*, vel *fam. 2 T*; 53.17 est *fam. 2 T*, *om. COgh*; 54.6-7 et ex eis unum aut plura *fam. 2 T*, et ex (ex *om. Ogh*) his (iis *h*) alia negatio rursus adiungitur et ex his (iis *h*) primum *COgh*; 63.8 et *fam. 2 T*, *om. COgh*; 64.2 vel ignorata vel voluntaria *fam. 2 T*, ignorata *Cgh*, ignorata sunt *O*; 73.7 maxima *fam. 2 f T*, maxime *COgh*; 74.8-9 tormentis *fam. 2 T*, torti *COgh*; 74.10 animi *fam. 2 T*, animi sunt *COgh*; 82.14 haec *fam. 2 T*, *om. COgh*; 82.15 sint *fam. 2 T*, *om. COgh*; 86.5 cohortationes *fam. 2 T*, cum fiunt cohortationes *COgh*; 90.3 et¹ *fam. 2 T*, *om. COgh*; 92.2 quae *fam. 2 T*, *om. COgh*; 97.6 id est *fam. 2 T*, *om. COgh*.

The readings cited above make it abundantly clear that T, in spite of a small amount of contamination with *fam. 2*, must be considered as primarily a member of *fam. 1*.

When disagreements exist between subdivisions α and β within *fam. 1*, T agrees with α (= *C*) much more frequently than with β (= *Ogh*). Instances of such agreement are the following:

10.3 neque *CT*, nec *Ogh*; 18.5 puerulorum *CT*, puerorum *Ogh*; 20.3 conubium *CT*, conubii ius *Ogh*; 44.3 qui *CT*, agens (aiens *gh*) de eo qui *Ogh*; 47.1 a *CT*, ex *Ogh*; 49.5 si *CT*, ut si *Ogh*; 50.8 forma *CT*, formula *Ogh*; 52.5 rubor pallor *CT*, pallor rubor *Ogh*; 54.6 ex *CT*, *om. Ogh*; 58.6 vi sua *CT*, sua vi *Ogh*; 58.8-9 causam statuae *CT*, statuae causam *Ogh*; 60.9 causa fuit in parentibus *CT*, in parentibus causa (casa *O*) fuit *Ogh*; 63.7 est *CT*, *om. Ogh*; 66.5 illi³ *CT*, *om. Ogh*; 66.8 esset *CT*, fuisset *Ogh*; 66.10 cognitis argumentorum *CT*, argumentorum cognitis *Ogh*; 75.2 nonnumquam verum *CT*, verum nonnumquam *Ogh*; 76.1 fortuitorum *CT*, fortuitarum rerum *Ogh*; 86.6 ad² *CT*, et *Ogh*; 87.3 dixi *CT*, diximus *Ogh*; 90.7 dicitur esse *CT*, esse dicitur *Ogh*.

There is, of course, a limited number of cases in which T agrees with β against α . The following are examples:

29.9 mortuorum pecuniae] mortuorum peccuniae C, pecuniae mortuorum *OghT*; 37.4 ea C, *om. OghT*; 43.7 non possis arbitrum C, arbitrum non possis *OghT*; 44.2 Curiana causa Cg, causa Curiana *Og²hT*; 46.5 pupillae aut pupillo C, pupillo aut (et g) pupillae *OghT*; 66.3-4 aequius melius] quid equius melius C, quid (quod T) melius aequius *OghT*; 67.1 locus ille C, ille locus *OghT*; 72.7 ad te haec ita C, haec ita ad (a g) te *OghT*; 90.9 aut C, atque *OghT*; 92.5 de tribus C, *om. OghT*.

The total number of such examples is so small as compared with the total number of cases in which T agrees with α against β that there can be no doubt about T's right to be placed in the α subdivision.

In the article on the manuscripts of the *Topica* cited above, I listed two groups of instances in which I felt that new readings should be accepted into the text of the *Topica* on the basis of the evidence provided by the three new manuscripts there discussed. The first group was made up of instances in which good readings not found in any of the critical editions were supported by all of the manuscripts of fam. 1 or by somewhat more limited combinations such as COg, COh, or CO.¹¹ The second, and smaller, group was made up of four instances in which it was suggested that readings supported by a combination of fam. 2 and Cgh against O be accepted in preference to the O readings which had previously been approved by editors.¹² In the majority of the cases included in the former group T also supports the reading proposed for adoption. The following is a list of such instances:

8.8-9 ducuntur] dicuntur *COghT*; 15.1 eae] exesae (exaesae T) *COT* (also supported by the reading of h, which is 'hae corrosae vel exesae'); 27.5 sunt] sunt earum autem (aute g) rerum quae non sunt *COghT*; 39.5 propiore] loco propiore (with 'loco' appearing in *COghT*); 64.4 subicitur ille] ille subicitur *COghT*; 66.4 parati eis] parati *COghT*; 68.3 ea quae] omnia quae *COgh* (but with 'omnia' preceded by 'ea' in *Ogh*), omnia ea quae T (perhaps correctly); 78.7 rentur eos] videntur eis *COghT*; 79.6 duo genera] duo sunt genera *CT* (but with the same words appearing in the order 'duo genera sunt' in *Ogh*); 82.7-8 primum ... secundum ... tertium] prima ... secunda ... tertia *COghT*; 82.17 sic] sic ut cum *COghT*; 96.2 defenditur] defendetur *COghT*.

In all four instances in the latter group mentioned above, T has the reading recommended for acceptance:

11.6 adiunctis] coniunctis *fam. 2 CghfT*; 69.8 atque] et *fam. 2 CghT*; 80.3 autem aut] autem *fam. 2 CghfT*; 96.7 ista] ita *fam. 2 CghT*.

¹¹ Finch, 'Codices', 116.

¹² *ibid.*

In the above-mentioned article on the manuscripts of the *Topica*, I also listed two groups of instances in which readings, already accepted by one or more editors but rejected by others, derived additional support from the evidence of the new manuscripts. The first of these was made up of cases in which readings accepted by Friedrich and Wilkens, but rejected by Bornecque, deserved to be retained by reason of being supported by all or several of the manuscripts of fam. 1.¹³ In most of these cases T, by agreeing with fam. 1, supports the reading in question. The following are examples:

2.5 illam] illa *COhT* (but with 'illa' preceding 'tibi' in *O*); 9.6 est ergo] ergo est *COhT*; 10.8 asse] aere *COhfT*; 27.2 tangive] tangique *COgfT*; 53.2-3 qui etiam ab adiunctis longe adversus est *om. CghT* (with the preceding 'et repugnantibus' also omitted by *g*); 57.9 sunt necessariae] necessariae *CghT*; 71.10 forma] formis *COhT*; 76.6 generis est] est generis *COT*; 79.5 alios] alios quibusdam (quibus *g*) alios *COhT*.

The second group was made up of instances in which it was suggested that certain readings accepted by Bornecque on the basis of fam. 2, but rejected by Friedrich and Wilkins on the evidence of *O* (f), deserved to be retained because they are supported by *C*.¹⁴ In the vast majority of these cases *T* fails to support the fam. 2 *C* combination, but instead preserves the readings of *O* (f) accepted by Friedrich and Wilkins. The few instances in this particular group in which *T* agrees with *C* in supporting the fam. 2 readings are the following:

52.5 rubor pallor; 58.8-9 causam statuae; 60.9 causa fuit in parentibus; 66.10 cognitis argumentorum; 75.2 nonnumquam verum; 83.10 natura.

In view of *T*'s close adherence to the tradition of the α subdivision of fam. 1 manuscripts of Cicero's *Topica* demonstrated above, it can be concluded that the manuscript of this work utilized by Thierry of Chartres furnished him a very accurate picture of the original contents.

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¹³ *ibid.*, 115.

¹⁴ *ibid.*, 116.

*LEGATUS AND NUNTIUS AS USED
TO DENOTE PAPAL ENVOYS: 1245-1378*

Clifford Ian Kyer

EACH time a papal envoy was sent on a mission he received one or more letters of commission or credence which served the purpose of introducing the envoy and explaining the nature of his mission and his powers. Recently, Richard A. Schmutz has made an important contribution to our understanding of papal envoys by analysing the various commissioning formulae found in these letters. Through his study of the standard clauses which the papacy used to empower its emissaries, Schmutz has been able to demonstrate that the medieval popes of the post-Hildebrand period employed three types of representative: the vicarial plenipotentiary (*domini papae vicem gerens*) or legate, the messenger or nuncio, and the judicial envoy or judge-delegate.¹ Schmutz has suggested that we familiarize ourselves with these commissioning formulae in order to be able to determine the representational status of any given papal envoy. He has issued a particular warning against relying on terminology, i.e. whether an envoy is termed a *legatus* or a *nuntius* 'in the sources', as an unconditional guide to representational status.² 'Medieval scribes', Schmutz tells us, 'were seldom consistent in their use of terms.'³ In another place, however, Schmutz writes that 'medieval men recognized technical differences among all three [types of papal envoy] and, in spite of inconsistent terminology, differentiated among them when necessary.'⁴

Schmutz, unfortunately, leaves two questions only partially answered: which authors were inconsistent in their use of the terms *legatus* and *nuntius* and under

1 Richard A. Schmutz, 'Medieval Papal Representatives: Legates, Nuncios, and Judges-Delegate', *Studia Gratiana* 15 (1972) 441-63 and also his *Foundations of Medieval Papal Representation* (Diss. University of Southern California, 1966), chap. 1.

2 Schmutz, 'Medieval Representatives', 456.

3 Schmutz, *ibid.*, 456 n. 45. Schmutz speaks of the inconsistency of the medieval scribe. The scribe, of course, whose function it was to take dictation or to copy a manuscript, no more chose the words he wrote than does the modern secretary.

4 Schmutz, *ibid.*, 444.

what circumstances did medieval men deem it necessary to differentiate between them? At least for the period with which I am familiar, 1245-1378, the terms *legatus* and *nuntius* were used differently in different types of sources.

Although we are here concerned with the use of these terms to describe papal envoys, we should bear in mind that the same terms were often used to denote non-papal emissaries.⁵ The canonists defined *legatus* in a generic sense as 'quicumque ab alio missus est',⁶ and thus any representative of any and everyone could be termed a legate. Much the same was true for the word *nuntius*. An interesting and informative example of the canonist's use of these words in a papal context is provided by Joannes Andreae. He wrote: 'sunt quidam legati nuncii ... sunt legati iudices'.⁷ Joannes used this comment as a bridge to link his commentaries on two consecutive chapters of the *Corpus juris canonici*, namely, 'De officio et potestate iudicis delegati' and 'De officio legati'. He is saying that some of those referred to as legates act as envoys or messengers while others act as judges. Both words, *legatus* and *nuntius*, are being used by Joannes in a generic sense; *legatus* is used to refer to any kind of representative, *nuntius* is used to refer to envoys or messengers. Though Joannes is introducing a discussion of the canon law concerning papal legates, he is not writing specifically about papal envoys but about legates in general.

The first rule in handling the terms *legatus* and *nuntius* must be to determine from the context how the word is being used. Is it being employed in a generic sense or is it being used to refer to a specific envoy? If the latter, is that envoy a representative of the pope or of someone else?

Once we have assured ourselves that the words *legatus* and *nuntius* are being used in the document in question to describe papal emissaries, we must next concern ourselves with the type of document it is. It is important that we distinguish between official documents emanating from the papal curia and unofficial accounts, such as biographies, chronicles and the like. Many authors, especially chroniclers, used *legatus* and *nuntius* interchangeably, for the same reason that many people today do not differentiate between the terms envoy and ambassador.⁸ They simply were not familiar with the technical vocabulary of representation. One medieval biographer, for example, tells us of Pope Clement

5 For a discussion of non-papal envoys see Donald Queller, *The Office of Ambassador in the Middle Ages* (Princeton, 1967).

6 William Duranti, *Speculum iuris*, lib. 1, rubrica 'De officio legati', 1.1. Similar definitions are found in the works of other canonists, e.g. Hostiensis, *Summa aurea*, lib. 1, rub. 'De officio legati', 1.1 and also Guido de Baysio, *In sextum decretalium commentaria* 1.15.1 glossa in v. *Legati*.

7 Joannes Andreae, *In quinque decretalium libros novella commentaria*, lib. 1, rub. 'De officio legati', 1.1.

8 For the modern distinction between envoy and ambassador see Henry Campbell Black, *Black's Law Dictionary*, 4th edition (St. Paul, Minn., 1951), pp. 104-105, 629.

VI sending *suos nuntios, legationis officio fungentes*.⁹ Such unofficial documents should always be checked against the envoy's letters of credence or commission, copies of which are usually found in the registers of papal letters.

Unlike the biographer above and chroniclers in general, the officials of the papal curia did not use the words *legatus* and *nuntius* indiscriminately. Frequently, a papal letter of credence or commission did not include any title of representational status. This was especially true for nuncios of high ecclesiastical rank before the time of Boniface VIII. Nevertheless, if the pope did address his envoy as *legatus sedis apostolice* or *nuntius sedis apostolice*, we can be sure that he chose the term which suited the envoy's powers. At least for the period from 1245 to 1378, we do not find cases where the commissioning formulae associated with the legate are used in a letter commissioning someone termed a *nuntius*. Moreover, the terminology was consistent within any given letter and from letter to letter when addressing the same envoy on the same mission.¹⁰

When a member of an envoy's party drew up a document for the envoy's use, he too used great care in the use of the words *legatus* and *nuntius*. For example, we possess a *Relatio* composed by Johannes Porta de Annoniaco at the request of his lord, Cardinal Pierre Bertrand de Columbiers, which outlines the activities of that cardinal during his mission to Rome in 1355 to crown the Emperor Charles IV.¹¹ Cardinal Gil Albornoz, at the time an administrator of the papal states and the pope's vicarial representative in Italy, was also to have taken part in the coronation ceremony. Though in fact Albornoz did not play a role in the

9 'Prima vita Clementis VI' in Etienne Baluze, *Vitae paparum Avenionensium*, ed. Guillaume Mollat (Paris, 1916), 1.242.

10 E.g. see the letter of Pope Nicolas III to the king of France, dated at Viterbo, 2 December 1277 (*Les registres de Nicolas III*, ed. J. Gay and S. Vitte-Clémencet (Paris, 1898-1938), no. 222). After a narration of events, Nicolas says that 'concordie federa per dilectos filios ... apostolice sedis nuntios reformanda'. Later, in the same letter, Nicolas bids the king acquiesce to the persuasions 'predictorum nuntiorum sedis ipsius'. This mission of persuasion, Schmutz has shown, was typical of a nuncio ('Medieval Representatives', 458). In other letters to the same envoys, Nicolas always addresses them as *nuntii*, if he uses any title of representational status at all (nos. 239-45, 260-64). At the same time, Nicolas was also corresponding with Simon de Brion, cardinal priest of St. Cecilia. He consistently terms Simon *legatus* (nos. 224, 264). For the letters of commission of Simon as legate to France see *Les registres de Grégoire X et de Jean XXI*, ed. J. Guiraud, E. Cadier, and G. Mollat (Paris, 1892-1960), nos. 494-568. Though generally the volumes of papal registers published by the Ecole française de Rome are excellent, occasional mistakes in transcription might create the impression that papal officials did on occasion use these terms carelessly. E.g. *Les registres de Boniface VIII*, ed. G. Digard, M. Faucon, A. Thomas, and R. Fawtier (Paris, 1884-1939), no. 2376, has in the salutation 'legato, sedis apostolice nuntio' while ASV, Reg. vat. 48, fol. 382v has simply 'sedis apostolice legato'. The commissioning formulae in the letter indicate the envoy in question was indeed a legate.

11 Richard Salomon, ed., *Johannis Porta de Annoniaco Liber de coronatione Karoli IV imperatoris* 4-5 (Scriptores rerum Germanicarum in usum scholarium ex monumentis Germaniae historicis separatim editi; Hanover, 1913).

ceremony, he is mentioned in the *Relatio*. Johannes Porta uses different words to describe the two cardinals. When Johannes speaks of Pierre Bertrand he uses the word *nuntius*, the same title by which Pierre is addressed in the papal letters concerning his mission.¹² On the other hand, Johannes Porta refers to Gil Albornoz as *legatus*, which title suits his vicarial plenipotentiary status and corresponds to the term used for him in the registers of papal letters.¹³

An investigation of the volumes of *Obligationes et Solutiones* (*OS*) in the Archivio Segreto Vaticano (*ASV*) further emphasizes the consistency and care with which the words *legatus* and *nuntius* were used by officials of the papal curia. The *OS* volumes are cameral registers in which are recorded the sums promised to be paid by bishops and abbots who were promoted to their see or abbacy by the pope. The sum to be paid was in two parts, the *servitia communia* and the *servitia minuta*.¹⁴ It is the 'common service' which interests us here, for it was the custom of the Roman curia, from at least 1289, to divide it equally between the camera of the pope and the camera of the college of cardinals. As a general rule, only those cardinals who were actually present in the curia when the promise to pay the 'common service' was made received a portion of the cardinals' share. There was, however, an important exception. Although a cardinal who was absent from the curia did not collect a portion of the income of the college if he were a legate, he did if he were a nuncio.¹⁵ It was obviously important, therefore, for those drawing up the *OS* registers to distinguish carefully between the two types of papal envoy. It came to be the practice to note in the text or in the margin of the *OS* volumes the number of cardinals eligible to share in the revenue. Each time the register of papal letters indicates that a cardinal was sent on a mission as a *legatus*, the relevant *OS* register shows a decrease in the number of cardinals participating in the revenue of the college.¹⁶ On the other hand, the departure of a

12 *Innocent VI (1352-1362). Lettres secrètes et curiales*, ed. P. Gasnault and M.-H. Laurent (Paris, 1958-76), as yet incomplete, nos. 1313, 1314, 1316, 1322-45, 1356, 1372.

13 *ibid.*, nos. 1312, 1314, 1315, 1357.

14 For a discussion of the *servitia communia* and the *servitia minuta* see William Lunt, *Papal Revenues in the Middle Ages* (New York, 1934), 1.81-91; or of the *OS* registers see Leonard E. Boyle, *A Survey of the Vatican Archives and of Its Medieval Holdings* (Toronto, 1972), pp. 157-64.

15 *Ordo Romanus XIV* (PL 78.1273): 'Sciendum est autem quod cardinalis legatus, postquam recesserit de curia, quousque redierit de legatione sua ad curiam, nihil recipit de censibus ecclesie, nec de servitiis praelatorum per dominum papam medio tempore factorum, nec de aliis camerae domini papae medio tempore debitis, in quibus cardinales praesentes partem dimidiam habere et percipere consueverunt.... Nuntius missus tantum recipit in absentia de praedictis, quantum reciperet, si in curia esset praesens.'

16 Often the decrease in the number of cardinals is explained by a brief note. E.g. under the date 20 June 1296, we find the comment, 'Venerabilis pater dominus Petrus de Piperno Sancte Marie nove diaconus cardinalis recessit de curia, et ivit in legationem suam, et sic de futuris ser-

cardinal termed a *nuntius* in the papal letters did not produce any change in the relevant *OS* volume.¹⁷

Thus it is clear that the officials of the Roman curia were completely consistent in their use of the words *legatus* and *nuntius*. A cardinal, for example, who was dispatched as a vicarial representative of the pope, i.e., as a *legatus de latere*, would be addressed as a *legatus sedis apostolice* in papal correspondence, would be termed a *legatus* in any documents drawn up by members of his party, and would be noted as ineligible to receive a portion of the cardinals' revenue in the relevant *OS* volume. Papal officials would not call this legate a *nuntius*, though some chronicler might well do so.

In closing it might be useful to point out that the word *legatio* was used to describe the missions of both legates and nuncios.¹⁸ There can be little doubt that this practice has contributed to frequent confusion between papal legates and nuncios. We should not regard the use of this term as evidence of the exact representational status of a papal envoy. There were, however, several phrases in which this word was used that were reserved exclusively for the legate. Only the legate held the *plenae officium legationis*¹⁹ and discharged the *officium legationis*.

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vitiis, donec redierit, non percipit portionem' (ASV, *OS* 1, fol. 3v). Cf. the letters of commission for Cardinal Peter, *Registres de Boniface VIII*, nos. 1598-1633.

17 Though most of the *OS* volumes only note the arrival in and departure from the curia of cardinal legates, *OS* 6 occasionally records even the arrival and departure of cardinal nuncios. E.g. fol. 182r mentions that on 1 July 1342 'Reverendi patres domini Petrus Penestrinus et Annibaldus Tusculanus episcopi cardinales nuncii missi pro pace tractanda inter dominos Francie et Anglie Reges de curia recesserunt.' The departure of these two cardinal nuncios had no effect on the number of eligible cardinals recorded. Cf. their letters of commission: *Clément VI (1342-1352). Lettres closes, patentes et curiales se rapportant à la France*, ed. E. Déprez, J. Glénisson, and G. Mollat (Paris, 1910-61), nos. 108-53.

18 ASV, Coll. 350, fol. 67r includes the heading 'Legatio Anglie et Scocie Regnis Wallie et Ibernice partibus'. This describes the mission of Rigaud d'Asserio, termed a nuncio in the register of John XXII, ASV, Reg. vat. 109, fol. 128r. Johannes Porta also uses this word when speaking of the mission of his lord, the cardinal nuncio Pierre Bertrand (*Liber de coronatione*, p. 119).

19 Schmutz, 'Medieval Representatives', 450-53.

AN IDENTIFICATION OF JOHN OF GLASTONBURY AND A NEW DATING OF HIS CHRONICLE

James P. Carley

JOHN of Glastonbury's *Cronica sive Antiquitates Glastoniensis ecclesie*¹ is a particularly important text for Arthurian scholars because it contains the first chronicle account of Joseph of Arimathea's mission to Glastonbury. In the introduction to his edition of this chronicle Thomas Hearne suggested that the text was composed around 1400. Hearne's reason for giving this date seems perfectly sound: in his prologue John himself says that he has carried the history of his abbey up to his own time, that is approximately 1400.² At the same time, however, this date seems unexpectedly late: it is odd that Glastonbury did not formalize the Joseph of Arimathea/Glastonbury connection until the end of the fourteenth century.³ The identity of the John who wrote the *Cronica* has also remained a puzzle. No known Glastonbury monk alive at the end of the fourteenth century stands out as a likely author. In his preface Hearne concluded that little could be ascertained about the author except his first name, which John himself supplied in the prologue. Subsequent researchers into the history of the late medieval community at Glastonbury have been no more successful in providing a specific identity for John.

Hearne made use of three manuscripts in his edition of the *Cronica*: Oxford, Bodleian MS. Ashmole 790 (A); Princeton, MS. Robert Garrett 153 (P); British Library, MS. Cotton Tiberius A. v (T). He used P as his base text, and cited

1 Published by Thomas Hearne in 2 vols. as *Johannis, confratris et monachi Glastoniensis, Cronica sive Historia de rebus Glastoniensibus* (Oxford, 1726). Reedited by James P. Carley, *An Annotated Edition of John of Glastonbury's 'Cronica sive Antiquitates Glastoniensis Ecclesie' to 1126* (Diss. Toronto, 1976).

2 See Hearne, *ibid.*, p. 6.

3 On the evolution and chronology of the Joseph of Arimathea legend (Joseph's appearance in the twelfth- and early thirteenth-century French Grail romances and his later assimilation into Glastonbury tradition) see Valerie M. Lagorio, 'The Evolving Legend of St. Joseph of Glastonbury', *Speculum* 46 (1971) 209-31.

variants from A and from the *Monasticon Anglicanum* account of Glastonbury Abbey (printed from T). All these manuscripts are late fifteenth century. T is incomplete but P and A contain a continuation of the *Cronica* written in 1493; on the evidence of this continuation Hearne was even tempted to speculate that the 1400 of John's prologue might be a mistake for 1500.⁴

There is another, much earlier, manuscript of the *Cronica*, however, which Hearne did not consult.⁵ This is Trinity College, Cambridge MS. R. 5. 16 (C), which is a composite manuscript, incomplete at beginning and end, and consisting of three separate booklets which were subsequently bound together. The *Cronica* is the first item; the other two booklets deal with the abbacy of Walter de Monington (1342-75). The hand used in the *Cronica* is an ornate textual Gothic bookhand characteristic of the late fourteenth century and suggests a date of composition slightly earlier than 1400. Even more significant for dating purposes is the text itself. The C version of the *Cronica* apparently ends with the recording of Walter de Monington's election as abbot in 1342. This statement is immediately followed in the same hand on the same page by a list of sixty-three monks who entered the abbey under Monington. But nowhere else in the *Cronica* does John list material in this fashion; his method is rather to describe events in a particular abbacy and to give specific dates. That he would suddenly change technique altogether seems highly unlikely. Therefore it seems improbable stylistically that this list was part of the original material written by John.⁶

If we assume, as is a logical necessity, that this list is an addition to the original text, it must naturally postdate John's material. Its *terminus a quo* is easy to determine; since it refers to John Chinnock (whose name appears as the forty-sixth entry in the list) as *postea abbas*, it could not have been written earlier than 1375. On the other hand, since the list ends with the period of Monington's death, it is unlikely that it was written long after 1375; if it were composed much later it would have almost certainly named the monks who entered in the first years of Chinnock's abbacy.⁷

4 See Hearne's edition, I. xxiv-xxv.

5 British Library, MS. Cotton Vespasian D. xxii, a fifteenth-century manuscript, also contains portions of the *Cronica*, interspersed with William of Malmesbury's *De antiquitate Glastoniensis ecclesiae*.

6 The later continuators of the *Cronica*, all of whom copied from C, eliminated this list. In the P version, in fact, there is a colophon following the statement of Monington's election as abbot. Clearly the list was seen as an added item.

7 There is a clerical subsidy list put together in 1377 which has four names at the end which do not appear in the C list. These are probably the four monks who professed the first two years of Chinnock's abbacy. This list is printed by Francis, Cardinal Gasquet in *The Downside Review* 11 (1892) 150-51.

The C version of the *Cronica*, to which the list has been added, is itself not John's original.⁸ The *Cronica* must therefore date from earlier than 1375. Thus we are left with a self-contradictory situation. The original version of the *Cronica* takes us up to 1342 and the election of Monington as abbot. In approximately 1375 (when Chinnoke was made abbot) a copy was made and included in this copy was a list of monks who professed under Monington. But, at the same time, in his prologue John states that he has continued Adam of Domesham's history from 1290 to approximately 1400. From the evidence of C it can be seen that this statement does not make sense as it stands. The very latest date at which the *Cronica* (in copied form at that) could have been completed was 1375. The only possible conclusion from this evidence is that 1400 must be a mistake for some other date, that it cannot be the date in John's original text.

Looking at the *Cronica* itself it will be noticed that John quotes no source and makes no reference to any date after 1342.⁹ Ranulf Higden is the most contemporary writer quoted, and the first version of his *Polychronicon* was completed in the 1320's.¹⁰ What seems probable, then, is that John wrote not 'ad annum domini millesimum circiter quadringentesimum' as is found in A and P (the existing manuscripts of the prologue), but rather 'ad annum domini millesimum circiter quadragesimum tercentesimum'.¹¹ This could have very easily been miscopied through homoeoteleuton if the number were written out in the source of C (the source for the other copies of the *Cronica*).¹² In this case it would appear that John began his chronicle in 1340 and ended it in 1342 just as Monington was installed. C was probably a copy of the original which was nearing completion in 1375; when Monington died the list of monks was added to the original version. Postulating this much earlier date and the subsequent copyist's error is the only logical way to reconcile both the original ending of the *Cronica* (for if it were written much later than 1342 why did it stop in that year?) and the date mentioned in the prologue.

Moreover, this revised date helps to explain an odd event which presumably occurred at Glastonbury in 1345. In this year a certain John Blome petitioned

8 For the errors which show that C is not the original and for a classification of later manuscripts see Carley, *Cronica*, pp. xxxiv-xxxviii.

9 In an early section of the *Cronica* missing in C (on p. 55 in Hearne's edition) there is a reference to a miraculous statue of the Virgin which Chinnoke had decorated with precious stones and which he used in processions. This reference must be an interpolation since it refers to a period at least several years after Chinnoke's election as abbot.

10 See John Taylor, *The 'Universal Chronicle' of Ranulf Higden* (Oxford, 1966), p. 2.

11 For this suggestion, as well as a number of important suggestions about the dating of the *Cronica*, I am indebted to Leonard Boyle, O.P., Pontifical Institute of Mediaeval Studies.

12 In this context it is interesting to note that towards the end of the *Cronica* (on p. 270 of Hearne's edition) the scribe of P makes a similar mistake, copying 'anno gracie millesimo trecentesimo vigesimo quarto' for C's '... xxxiv°'.

Edward III for permission to search at Glastonbury for the body of Joseph of Arimathea. On 10 June either Edward or his chancellor gave Blome a writ in which the following phrase is contained: 'in quibusdam Antiquis Scripturis dicitur continere Corpus eius ibidem (*i.e.* at Glastonbury) fuisse Sepultum'.¹³ The reference is almost certainly to the so-called ancient British bard Melkin, whose enigmatic prophecy about Joseph and his hidden burial site at Glastonbury John quotes twice.¹⁴ Whether John invented Melkin's prophecy, or to what degree he reworked earlier material, is an unsolved problem; what does seem certain is that he brought Melkin to the attention of the Glastonbury community and, by extension, to a wider English public. Blome's writ, therefore, probably refers obliquely to the *Cronica*, which is almost certainly the motivating force for Blome's search.¹⁵

Establishing the early 1340's as the date when the *Cronica* was completed also makes it possible to make a strong case for identifying John of Glastonbury. There was a Glastonbury monk called John, living in the mid-fourteenth century, who was very well known as a historian and writer of chronicles. This was John Seen, about whom a number of interesting facts can be determined. Seen received a D. Th. from Oxford by 1360.¹⁶ In 1360, moreover, he served as proctor for Walter de Monington at a provincial chapter.¹⁷ These references establish that Seen was both a well-educated man and one trusted by his abbot. There are two other citations, however, which are much more pertinent for an identification of John Seen as John of Glastonbury. Seen's name appears in Richard Tryvytlam's *De laude Vniversitatis Oxonie*.¹⁸ This poem is a general praise of Oxford which also contains a large section criticizing monks who leave their cloisters and who attack the friars. Tryvytlam criticizes three monks in particular, one of whom is Seen. He mocks Seen for his failing eyesight¹⁹ and accuses him of drunkenness

13 Printed by Thomas Rymer, *Foedera* 2.4 (The Hague, 1740), p. 179.

14 in Hearne's edition, pp. 30, 55-56.

15 The writ can also be used as a piece of negative evidence for establishing a pre-1345 date for the *Cronica*. Blome's search, if undertaken, would have almost certainly been reported by John even if it were unsuccessful. John's total silence on the subject is an indication that his chronicle sparked the search rather than followed it.

16 Dom Aelred Watkin first suggested to me the possibility that John Seen could be identified as John of Glastonbury. On Seen's degree at Oxford see A. B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500* 3 (Oxford, 1959), pp. 1662-63.

17 See W. A. Pantin, ed., *Documents Illustrating the Activities of the ... English Black Monks*, 3 vols. (London, 1931-1937), 3. 201. Monington calls Seen 'dilectum ... commonachum nostrum, sacre theologie professorem'

18 H. Furneaux, ed., in *Collectanea*, 3rd Ser., ed. Montague Burrows (Oxford Historical Society 32; Oxford, 1896). Seen is described in ll. 257-365. See also A. G. Rigg, *A Glastonbury Miscellany of the Fifteenth Century* (Oxford, 1968), pp. 75-76. Rigg dates this poem to 1357.

19 An ironic reference to his bookishness, one assumes.

and hypocrisy, saying that he spends his nights in drinking and then preaches against the same vice. Tryvytlam, however, grudgingly praises John as a historian, and specifically cites a now lost history of the Trojan War: 'Licet laus vigeat huius in cronicis,/Quod narrat optime de bellis Hectoris' (ll. 313-14). This allusion does not prove that John also wrote a history of his abbey, but it stands as a strong clue that he might well be the author.

British Library, MS. Arundel 2 contains an unprinted register of Abbot Monington, in which there is another reference to John Seen's skill as a historian. On fol. 42v Bishop Grandison of Exeter refers to Seen in a letter (dated in the sixteenth year of Monington's abbacy, i.e. 1358): '... venerabilis et religiosus vir dompnus Johannes Sene domus vestre commonachus inter omnes huius regni peritos de gestis antiquis et cronicis magis novit' This presents an even stronger clue for identifying John Seen with the author of the *Cronica*. It seems very likely that Grandison, who in his letter is requesting John's help with a historical matter at Exeter, would apply to the author of the *Cronica* for aid. The only other premise — that there were two John's at Glastonbury, both historians and chroniclers and living at the same time — certainly stretches the bounds of credibility. One might further suggest that Grandison's citation provides a specific allusion to the *Cronica*, for it seems at least possible that *gestis antiquis* is a reference to the history of the Trojan War, the *cronicis* a reference to Seen's history of Glastonbury Abbey.

Several other facts can be ascertained about Seen from Glastonbury records of the period. In 1377 Edward III was granted a clerical subsidy. The list of monks at Glastonbury under this subsidy, however, does not include Seen's name.²⁰ This suggests very strongly that Seen was dead by 1377. Moreover, Seen's name does not appear in the list of monks (in C) who entered under Monington. He must therefore have been professed under John Braynton (1334-42) or Adam of Sodbury (1322-34) or perhaps even earlier. The account that John gives of the history of his monastery after 1290 (when Adam of Domerham's history ends) seems to contain a number of personal observations, and it is certainly possible that John Seen had entered the community by the early 1300's; that in the final section of the *Cronica* we are dealing with a firsthand account of Glastonbury history in the early fourteenth century.

The redating of the *Cronica* and its attribution to John Seen are important discoveries for two reasons. They give a new perspective on the development of the Joseph of Arimathea legend in England. The formulation of this legend can be pushed back by more than fifty years and can be very specifically traced to a known and respected historian. Moreover, the account of the early fourteenth-

20 See n. 7.

century developments at Glastonbury presented in the *Cronica* becomes more significant because of its contemporary bias. John's account is not retrospective and archival in nature as has been assumed up to now; rather it represents his immediate response to personally witnessed events.

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THE FRENCH PRAYER FOR THE SICK IN THE HOSPITAL OF THE KNIGHTS OF SAINT JOHN OF JERUSALEM AT ACRE

K. V. Sinclair

THE devotions enjoined upon the ailing in the hospital of the Order of Saint John at Acre were first drawn to the attention of scholars by Léon Le Grand, the celebrated historian of mediaeval hospitals and almshouses. He published two recensions of a long series of prayers in French which the sick, led by a seneschal, recited each night in the *palais des malades*.¹ The supplications covered numerous facets of Christian life: peace over the land, the spiritual and temporal leaders, the pilgrims, the harvest, the benefactors of the Order, and the souls of the deceased.

Although Le Grand's paper has been often quoted and cited in monographs and bibliographies concerned with aspects of the Order's piety,² the text itself does not figure, curiously enough, among the 2300 or so vernacular prayers listed by Jean Sonet, S. J. in his *Répertoire* published in 1956.³ In the course of extensive research for a three-volume supplement, now nearing completion,⁴ my attention has fallen on a collection of petitions that appears to have been the source of inspiration, if not the model, for the Hospitallers.

1 'La prière des malades dans les hôpitaux de l'Ordre de Saint-Jean de Jérusalem', *Bibliothèque de l'Ecole des Chartes* 57 (1896) 325-38.

2 e.g. Elizabeth W. Schermerhorn, *Malta of the Knights* (London, 1929), p. 198; E. E. Hume, *Medical Work of the Knights Hospitallers of Saint John of Jerusalem* (Baltimore, 1940), pp. 111-12; J. Riley-Smith, *The Knights of St. John in Jerusalem and Cyprus c. 1050-1310* (London, 1967), pp. 510-11; D. Seward, *The Monks of War: The Military Religious Orders* (Hamden, Conn., 1972), p. 318; etc.

3 *Répertoire des incipit de prières en ancien français* (Geneva, 1956).

4 See my forthcoming *Prières en ancien français — Nouvelles références, renseignements complémentaires, indications bibliographiques, corrections et tables des articles du Répertoire de Sonet* (Hamden, Conn.) as well as my paper on the vernacular prayers annexed to the thirteenth-century Liège Psalter, *Romania* 85 (1965) 22-47; the account I gave of the French devotional miscellany in Manchester, John Rylands University Library MS. French 3 and of its affinities with the *liber precum* of the dukes of Burgundy, now Brussels, Bibl. royale MS. 11065-73, appeared in *Litterae textuales: Essays Presented to G. I. Lieftinck* 2 (Amsterdam, 1972), pp. 96-105.

The *Ritualia* of mediaeval France⁵ contain a prayer, often preceded by a Latin rubric *Oratio fidelium ... in lingua materna*, or *Preces dominicales*, or *Preces in dominicis dicende*; sometimes, but more rarely, the heading is in French: *Voici les proieres*, or *la proiere du dimanche*.⁶ According to historians of liturgical practices, it was recited mainly in parish churches; the celebrant's duty was to summon the faithful to pray for a succession of activities and persons associated with Church and parish works of piety and mercy. The place in the mass for this *Oratio* varied; in many parishes it occurred during the offertory; in others, for example at Provins and Limoges, it was intoned after the aspersion and during the procession in the nave.⁷ The word *Deprecemur* or *Oremus* served as the transition from the Latin to the use of the vernacular. The worshippers beseech God for peace in His kingdom on earth, they ask for continuance of the estate of the Church, they pray for the righteousness of its prelates and priests, and of the lords temporal, they supplicate to receive the bounty of the harvest, they cherish the toilers of the land and sea, they request protection for pilgrims, and extol the benefactors of the parish; lastly, but by no means least, they seek solace and comfort for the sick, and mercy for the souls of the departed. Slight variations are found in both the order and number of the supplications, and it would seem these were occasioned by local needs and conditions.

Clearly, there is a great affinity of content and structure between the parish *Oratio* and the Hospitallers' prayer for the sick. It can be demonstrated that the Knights of Saint John, however, adapted, not copied, the model to suit their own needs. The rubric at the head of their prayer points to the nature of the modifications they made, while the text itself offers more evidence for the changes: *Ce est la priere qui se soloit faire au palais des seignors malades en Acre. Toutes les nuis apres complies, les prestres et les clers doivent aler en procession au palais des malades et le seneschal dou palais des malades, ou autre frere, doit dire ceste preiere*. Here we learn that the time for the prayer is not in the course of the Sunday office, but daily, every evening after the canonical hour of compline has been said by the knights.⁸ Since there was no mass at the time in the *palais des malades*, there was no need for a priest⁹ to lead the devotions.

5 Also found in mediaeval England; see an Anglo-Saxon redaction and four Middle English ones in *The Lay-Folks Mass-Book*, ed. T. F. Simmons (EETS OS 71; London, 1879), pp. 61 ff.

6 Cf. J.-B. Molin, 'L'*Oratio fidelium*: ses survivances', *Ephemerides liturgicae* 73 (1959) 310-17.

7 Cf. *Mass-Book*, ed. Simmons, pp. 315-19; Molin, *ibid.* and later articles by him in *Bulletin de la Société d'histoire et d'archéologie de l'Arrondissement de Provins* 114 (1960) 57-59, 116 (1962) 45-54.

8 For some of the devotions required of the brethren of the Order, see E. J. King, *The Rule, Statutes and Customs of the Hospitallers 1099-1310* (London, 1934), pp. 195-98 (*usances* 122-24).

9 One notes, nevertheless, that the priory priests were present during the devotions. That there

They were entrusted to a brother, such as a seneschal of the hospital, a person whose presence would be familiar to the sick and whose leadership in prayer would be all the more welcome. The *Oratio* as such was a prayer with universal appeal, yet personal enough to be known among the Christian sick from the days they had worshipped in their own parishes in France.

The exalting appellative 'Seigneurs malades' with which the Hospitaller prayer opens is very different from the incipit of the continental French recensions of the *Oratio*. These begin abruptly 'Prions ...', 'Nous priérons ...', or 'Faisons priere ...', where no apostrophizing of the faithful is necessary. One exception noticed is the manner in which Pierre Sauvage, canon of St. Stephen's at Meaux in 1475, commences his version of the *Oratio*¹⁰ on a familiar note: 'Bonnes gens, nous priérons' Yet, the juxtaposition of 'seigneurs' and 'malades' by the seneschal at Acre should cause us no surprise, especially when we recall that the sick had enjoyed from the very foundation of the Order a place of privilege and honour. Para. 16 of the *Rule* of Raymond du Puy (1120-60) is headed *How our Lords the sick should be received and served*¹¹ and it reads in part: '... when the sick man shall come there, let him be received thus, let him partake of the Holy Sacrament, first having confessed his sins to the priest, and afterwards let him be carried to bed, and there as if he were a Lord, each day before the brethren go to eat, let him be refreshed with food charitably according to the ability of the House' We also learn from the *usances* or Customs of the Order that the ceremony of introduction of a new brother included a promise by him 'to be the serf and slave of our Lords the sick'.¹²

were several priests and clerks at any one time in the Convent at Acre is confirmed by para. 5 of the 1263 Statutes of the Chapter-General held in that city: 'It is decreed that the Prior of Acre may keep four priest vicars and one caravan priest and two deacons and four acolytes and one churchwarden. And in the hospital for the sick he may keep one other priest and one other acolyte ...'; see King, *ibid.*, p. 67.

10 Ed. Molin, 'L'*Oratio fidelium*', 315-17.

11 Cf. King, *Rule*, pp. 26-27; the wording of the Latin and French texts is given in J. Delaville Le Roulx, *Cartulaire général de l'ordre des Hospitaliers de S. Jean de Jérusalem (1100-1310)*, 4 vols. (Paris, 1894-1906), I. 67: '... Et in ea obedientia ubi magister Hospitalis concesserit, cum venerit ibi infirmus, ita recipiatur, primum peccata sua presbitero confessus religiose, communicetur, et postea ad lectum deportetur, et ibi quasi dominus secundum posse domus omni die, antequam fratres eant pransum, caritative reficiantur' The French, printed on the same page, is headed *Comment les seignors malades doivent estre recehuz et serviz*: 'Et en cele hobedience en laquele le maistre et le chapistre de l'Ospital comandera quant le malade venra la, ensi soit recehu, et soit cumenié relegiousement, confessé premierement ses pechiez au prestre, et apres soit portez au lit, et ileuc aussi com sires selonc le pooir de la maison, chascun jor avant que les freres voient mangier, soit refait de viande charitablement'

12 Cf. King, *Rule*, p. 193 (*usance* 121). The Custom reads at this point: 'Encor faisons nos autre promession, que nule autre gens non fan, quar vos prometés d'estre sers et esclaf de nos seignors malades ...'; cf. Delaville Le Roulx, *Cartulaire* 2. 557.

Compared with the text in the parish *Oratio*, the twenty entreaties of the older recension recited by the seneschal can be seen to have additions and conflation. Not unnaturally, these concern the Order and its works, e.g. the Grand Master of the Knights of Saint John (nos. 4 and 13); the *confratres* and *consorores*¹³ (no. 12); the benefactors of distinction and renown¹⁴ who had supported and sustained the Order from its foundation (nos. 14 to 19). Another small variation is the request to the sick to include themselves in the prayer for all who are ailing: 'Seignors malades, por vos meismes et pour tous malades qui sunt parmi le monde cristiaine gent: qui Nostre Sires cele santé leur doint qu'il seït que mestier leur est au cors et as armes.'

One further observation needs to be made; it concerns the practice of reciting the prayer daily, rather than hebdomadally. Many of the sick were, by the nature of their illnesses, cut off, or physically removed, from contact with their fellow men who prayed regularly.¹⁵ It was important, therefore, that the spiritual needs of the less fortunate be not neglected. A daily *Oratio* with its broad content had the advantage of reminding the ailing of the blessings and bounty of God. Given the uncertainty of life and the insufficiencies of medicine in the thirteenth century, many of them would not be living much longer anyway. The solace and comfort derived from communal prayer must have been a cherished moment every evening in the *palais des malades*.

There remains yet another question to be answered: the nature of the manuscript tradition of the Hospitallers' prayer. Le Grand was not concerned with problems of origin or transmission, the text for him merely reflected one facet of life in a mediaeval hospital. He neglected, therefore, to give a full account of his source manuscripts. Now that the devotions have been shown to have liturgical antecedents, the manuscript tradition assumes more importance. Did Le Grand discover the text in the kind of codex one knows to contain the parish *Oratio*, e.g. a *Rituale*, a *Missale* or a *Liber precum*, or did he extract it from a chronicle or a history of the Order? He tells us that both recensions are in collections of *établissements* or Statutes of Chapters-General of the Hospitallers. It did not occur to him apparently to ask how or why a prayer for the sick should be included in a transcription of capitular documents of this kind.

13 On these lay persons associated with the works of mercy of the Order, see Riley-Smith, *Knights*, pp. 242-46.

14 e.g. Kings Richard the Lionheart, Richard of Germany and Philip Augustus. As Le Grand clearly shows, these lords were not named vainly. The Order was in their debt for both military and political support in Europe as well as in the Holy Land.

15 The account of day-to-day life in the hospital at Jerusalem and Acre supplied by Hume, *Medical Work*, pp. 26-33, is now superseded by that of Riley-Smith, *Knights*, pp. 331-38, who was able to draw on additional primary source material.

Examining these problems more closely, we find that the earlier version of the text occurs in Paris, Bibl. nat. MS. fr. 6049, among the *usances* on fol. 138.¹⁶ Seen in a larger context, these customs form part of a whole compendium of Hospitaller archives in the manuscript,¹⁷ which include the *Rule*, capitular statutes and judgments or *esgarts*. The assembling of this material was begun about 1287 by Guillaume de Saint-Etienne,¹⁸ a Hospitaller of the Lombard Priory, and completed by him in 1296 on Cyprus, in the very year he became Commander of the Order there. He added to it himself until 1303, and still further statutes were appended from the Chapters-General of 1311 on Rhodes and of 1330 at Montpellier. But for this enlightened work of preservation by Guillaume at such a critical time for the Order, posterity would be in considerable ignorance about its achievements and misfortunes, and the Order, its archival documents scattered or destroyed, would never have recovered so rapidly and decisively on Cyprus from the fall of Acre in 1291. Belonging to this kind of manuscript tradition, the prayer for the sick¹⁹ gains more lustre. It may not have the aura of liturgical authority enjoyed by a prayer in a parish *Rituale*, but at least it was invested with approval by a very prestigious Religious Order.

Not content with care for the physical bodies of their sick, the Knights Hospitallers also administered to the spiritual needs of their charges by adapting a parish *Oratio*, and in so doing, they committed their own devotions to the folios of mediaeval piety.

University of Connecticut.

16 Cf. King, *Rule*, pp. 198-99 (*usance* 125), who could not print a translation of the prayer accompanying the *usance*, since it had been omitted by Delaville Le Roulx, *Cartulaire* 2. 559 n. 5.

17 An incomplete description of this codex was given by Delaville Le Roulx in *Bibliothèque de l'Ecole des Chartes* 48 (1887) 341-56. In 1906 L. Delisle furnished many more details about the manuscript in the course of an appraisal he was writing about the compiler, Guillaume de Saint-Etienne; see *Histoire littéraire de la France* 33. 22-40.

18 Following Delisle's practice, I retain the French form of the name, even though his national identity has not been positively determined. Delaville Le Roulx, *ibid.*, calls him Guillaume de Saint-Estène; King, *Rule*, anglicizes this to William de St. Estène; Riley-Smith, *Knights*, seems to be stressing an Italian heredity by the form William of S. Stefano.

19 As for the second recension of the prayer, it was extracted by Le Grand from the midst of another collection of documents that had been assembled c. 1315 on the orders of a Knight Hospitaller, by name, Daniel de Saint-Etienne, and which is now in Paris, Bibl. nat. MS. fr. 1978.

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